

Volume 33, Number 17
Pages 1647-1698
September 2, 2008

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015, RSMo Supp. 2007 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

ROBIN CARNAHAN

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

WAYLENE W. HILES

•

EDITORS

CURTIS W. TREAT

SALLY L. REID

ASSOCIATE EDITOR

SARAH JORGENSEN

•

PUBLICATION TECHNICIAN

JACQUELINE D. WHITE

•

ADMINISTRATIVE ASSISTANT

LUKE RIEKE

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO

Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.mo.gov/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.mo.gov/adrules/csr/csr.asp>. These websites contain rulemakings and regulations as they appear in the Registers and CSR. These websites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo Supp. 2007. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by e-mail at rules@sos.mo.gov.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



IN THIS ISSUE:

EMERGENCY RULES

Department of Economic Development	
Public Service Commission	1651
Department of Social Services	
Family Support Division	1651

EXECUTIVE ORDERS 1658

PROPOSED RULES

Department of Economic Development	
Public Service Commission	1660
Department of Labor and Industrial Relations	
Division of Employment Security	1660
Department of Natural Resources	
Air Conservation Commission	1661
Division of Geology and Land Survey	1661
Department of Social Services	
Family Support Division	1664
MO HealthNet Division	1670
Department of Corrections	
State Board of Probation and Parole	1672

ORDERS OF RULEMAKING

Department of Insurance, Financial Institutions and Professional Registration	
Office of Tattooing, Body Piercing, and Branding	1675

IN ADDITIONS

Office of Administration	
Commissioner of Administration	1676
Department of Social Services	
Family Support Division	1676
Department of Health and Senior Services	
Missouri Health Facilities Review Committee	1676

DISSOLUTIONS 1678

SOURCE GUIDES

RULE CHANGES SINCE UPDATE	1680
EMERGENCY RULES IN EFFECT	1686
EXECUTIVE ORDERS	1687
REGISTER INDEX	1690

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
November 3, 2008 November 17, 2008	December 1, 2008 December 15, 2008	December 31, 2008 December 31, 2008	January 30, 2009 January 30, 2009
December 1, 2008 December 15, 2008	January 2, 2009 January 16, 2009	January 29, 2009 January 29, 2009	February 28, 2009 February 28, 2009
January 2, 2009 January 16, 2009	February 3, 2009 February 17, 2009	February 28, 2009 February 28, 2009	March 30, 2009 March 30, 2009
February 3, 2009 February 17, 2009	March 2, 2009 March 16, 2009	March 31, 2009 March 31, 2009	April 30, 2009 April 30, 2009
March 2, 2009 March 16, 2009	April 1, 2009 April 15, 2009	April 30, 2009 April 30, 2009	May 30, 2009 May 30, 2009
April 1, 2009 April 15, 2009	May 1, 2009 May 15, 2009	May 31, 2009 May 31, 2009	June 30, 2009 June 30, 2009
May 1, 2009 May 15, 2009	June 1, 2009 June 15, 2009	June 30, 2009 June 30, 2009	July 30, 2009 July 30, 2009
June 1, 2009 June 15, 2009	July 1, 2009 July 15, 2009	July 31, 2009 July 31, 2009	August 30, 2009 August 30, 2009
July 1, 2009 July 15, 2009	August 3, 2009 August 17, 2009	August 31, 2009 August 31, 2009	September 30, 2009 September 30, 2009

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2007), are available in the listed participating libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Hearnes Learning Resources Ctr. Missouri Western State University 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library Missouri University of Science and Technology 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325	Lebanon-Laclede County Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Spiva Library Missouri Southern State University 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9342	University Library Southwest Baptist University 1600 University Ave. Bolivar, MO 65613-2597 (417) 328-1631
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2742	Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3615	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Eden/Webster Library Eden Theological Seminary/ Webster University 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library University of Central Missouri 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Missouri State University—West Plains 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
Washington University Law Library Washington University Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Library Maryville University 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Miller Nichols Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
Pickler Memorial Library Truman State University 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Smiley Memorial Library Central Methodist University 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279	
	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 31—Missouri Universal Service Fund

EMERGENCY AMENDMENT

4 CSR 240-31.010 Definitions. The commission is amending section (9).

PURPOSE: This amendment clarifies that “MO HealthNet” is the current Missouri Medicaid program.

EMERGENCY STATEMENT: The Missouri Universal Service Fund (MoUSF) helps low-income and disabled Missourians receive discounts for basic local telephone service. This emergency amendment is necessary because the name of Missouri’s Medicaid program was changed from “Medicaid” to “MO HealthNet.” On June 30, 2008, telecommunications companies were required by rule to begin to record and describe the documentation provided by applicants for low-income funding through the Missouri Universal Service Fund, used to assist in getting and keeping basic local telecommunications service in their homes. On July 8, 2008, the commission received an inquiry from a company about a customer attempting to demonstrate qualification for funding by showing a “MO HealthNet” card. The current rule accepts as proper documentation a Medicaid card, but makes no mention of “MO HealthNet,” which is the name of the

Medicaid program in Missouri (and of which the commission was unaware until July 8). As an average of four hundred sixty (460) applications for this funding are granted each month, there is a significant possibility that proper applicants will be denied funding if the rule is not immediately clarified. Although the name change does not change eligibility, it creates confusion and the potential for denial of MoUSF benefits, because the documentation demonstrating eligibility no longer says “Medicaid.” The amendment ensures that eligible persons will not be denied affordable essential telecommunications services as directed by section 392.248.2(2), RSMo Supp. 2007, because of the Medicaid name change. A proposed amendment covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the *Missouri* and *United States Constitutions*. The commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed on July 22, 2008, effective August 1, 2008, expires January 29, 2009.

(9) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and who participates or has a dependent residing in the customer’s household who participates in [Medicaid] Missouri’s Medicaid program (Mo HealthNet), food stamps, Supplementary Security Income (SSI), federal public housing assistance or Section 8, National School Lunch Program’s free lunch program, Temporary Assistance for Needy Families, or Low Income Home Energy Assistance Program (LIHEAP).

AUTHORITY: section[s] 392.200.2, RSMo Supp. [2004] 2007 and sections 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Oct. 30, 2002, effective July 30, 2003. Emergency amendment filed May 31, 2005, effective June 10, 2005, expired Feb. 15, 2006. Amended: Filed June 30, 2005, effective Feb. 28, 2006. Emergency amendment filed July 22, 2008, effective Aug. 1, 2008, expires Jan. 29, 2009. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 13—DEPARTMENT OF SOCIAL SERVICES

Division [40] 35—Children’s Division [of Family Services]

Chapter 71—Licensing Rules for Residential Child Care Agencies

EMERGENCY AMENDMENT

13 CSR [40] 35-71.010 Definitions. The division is moving the rule, amending the title of the chapter, adding new sections (3), (4), and (8), renumbering old sections (3)–(15), and amending various sections.

PURPOSE: The purpose of this amendment is to enhance child safety by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks and exclude from employment staff who meet specified criteria.

EMERGENCY STATEMENT: In response to a state auditor’s performance audit (report number 2007–70), child safety needs to be enhanced by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks. The purpose of such background checks is to exclude from employment (effective the date of this amendment) staff who are found guilty, plead guilty, or plead no contest to felony crimes against

persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated probable cause and/or preponderance of evidence child sexual abuse and/or serious child abuse and/or serious neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure. Prior to promulgating emergency or proposed rules or amendments, section 210.506, RSMo requires the Children's Division to consult with representatives from residential care facilities subject to licensure under sections 210.481 to 210.536, RSMo. Over the past several months, it has been an ongoing process, including a meeting with the involved parties, to make certain the safety of children, enhance the processes of background screening, and balance the best interest of residential care facilities, to ensure the children of Missouri placed in these facilities are receiving the best care available. The promulgation of this emergency amendment is necessary to preserve the compelling governmental interest in protecting children. Adding background checks will provide for the additional safety of children who are residing in residential homes licensed by the state. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 25, 2008, effective August 4, 2008, expires January 30, 2009.

(3) Child abuse/neglect background check is, at a minimum, a search of the Family Care Safety Registry for residential child care agency staff child abuse/neglect history pursuant to sections 210.903 through 210.936, RSMo.

(4) Criminal background check is, at a minimum, a search of the Family Care Safety Registry for residential child care agency staff criminal history pursuant to sections 210.903 through 210.936, RSMo.

[(3)](5) Director is the director of the *[Division of Family Services]* **Children's Division**.

[(4)](6) Division is the *[Division of Family Services]* **Children's Division** of the Department of Social Services of Missouri as defined in section 210.481(3), RSMo.

[(5)](7) Facility is any building of a licensed agency in which children reside.

(8) Family Care Safety Registry pursuant to sections 210.903 through 210.936, RSMo, is established to protect children, the elderly, and disabled individuals in the state and to promote community safety by providing information concerning family caregivers as established within the Department of Health and Senior Services. The registry contains information on child-care workers' and personal-care workers' background and child-care, elder-care, and personal-care providers as specified in section 210.903.2(1)-(8), RSMo.

[(6)](9) Intensive residential treatment is provided in a living unit of an agency for gravely, emotionally disturbed youth that has the capability of providing a highly structured and secure environment to prevent runaway behavior, address the likelihood of rage and physical aggression, and minimizes the likelihood of youth injuring themselves or others. Intensive residential treatment may be achieved through a combination of staffing patterns, architectural design of the facility, electronic monitoring of the facility and its exits, or other means necessary to assure safety.

[(7)](10) License is the legal document issued to an agency by the division for a period not to exceed two (2) years which authorizes the agency to provide twenty-four (24)-hour care for children, subject to compliance with sections 210.481-210.536, RSMo, and the applicable rules promulgated by the division (section 210.481(6), RSMo).

[(8)](11) Mechanical restraints are any device, instrument, or physical object used to confine or limit a child's freedom of movement, except when necessary for orthopedic, surgical, and other medical purposes, or when necessary, to transport a child that may abscond or cause injury during transportation. Support devices used in normal situations to achieve proper body position and balance are not mechanical restraints.

[(9)](12) Physical restraint is physical holding involving restriction of a child's voluntary movement to temporarily restrain an agitated, violent, or aggressive child who presents a likelihood of serious physical harm to him/herself[,] or others or of doing serious property damage.

[(10)](13) Residential care agency is an agency providing twenty-four (24)-hour care and treatment to children who are unrelated to the person operating the agency[,] and who are unattended by a parent or guardian (as defined in section 210.481(10), RSMo, as residential care facility).

[(11)](14) Social Services is the provision of direct services, by plan, to the child and family to identify and resolve problems which negatively have affected his/her development, behavior, and social functioning.

[(12)](15) Staff are persons employed by an agency.

[(13)](16) Transitional living services are services provided to older adolescents that combine life skills training with opportunities to practice same. The goal of such services is to prepare the youth for successful adult living in the community upon their discharge from residential care.

[(14)](17) Volunteer is any person who provides direct services to children within an agency, either on or off the premises, without financial compensation.

[(15)](18) Well-known religious order, church, and religious organization are defined as follows:

(A) A church, synagogue, or mosque;

(B) An entity that would qualify for federal tax exempt status as a not-for-profit religious organization under section 501(c) of the *Internal Revenue Code* of 1954; or

(C) An entity where the real property on which the child care facility is located is exempt from local taxation because it is used for religious purposes.

AUTHORITY: section[s] 210.481, RSMo (1986), 210.486 and/ 210.506, RSMo [(Cum. Supp. 1993)] 2000. Original rule filed May 9, 1956, effective May 19, 1956. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expires Jan. 30, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division [40] 35—Children's Division
[of Family Services]
Chapter 71—Licensing Rules for Residential Child Care Agencies

EMERGENCY AMENDMENT

13 CSR [40] 35-71.020 Basic Residential Child Care Core Requirements (Applicable To All Agencies)—Basis for Licensure and Licensing Procedures. The division is moving the rule, amending the title of the chapter and the rule, and amending subsections (2)(A) and (6)(D).

PURPOSE: The purpose of this amendment is to enhance child safety by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks and exclude from employment staff who meet specified criteria.

EMERGENCY STATEMENT: In response to a state auditor's performance audit (report number 2007-70), child safety needs to be enhanced by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks. The purpose of such background checks is to exclude from employment (effective the date of this amendment) staff who are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated probable cause and/or preponderance of evidence child sexual abuse and/or serious child abuse and/or serious neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure. Prior to promulgating emergency or proposed rules or amendments, section 210.506, RSMo requires the Children's Division to consult with representatives from residential care facilities subject to licensure under sections 210.481 to 210.536, RSMo. Over the past several months, it has been an ongoing process, including a meeting with the involved parties, to make certain the safety of children, enhance the processes of background screening, and balance the best interest of residential care facilities, to ensure the children of Missouri placed in these facilities are receiving the best care available. The promulgation of this emergency amendment is necessary to preserve the compelling governmental interest in protecting children. Adding background checks will provide for the additional safety of children who are residing in residential homes licensed by the state. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 25, 2008, effective August 4, 2008, expires January 30, 2009.

(2) Application for Licensure.

(A) An agency shall submit the following documents to the division—

1. Application for Licensure signed by the applicant;
2. Evidence of compliance with local building and zoning requirements;
3. A floor plan of the proposed site in which the specific use of each room is identified;
4. A signed copy of the Civil Rights Agreement;
5. A chart depicting the agency's organizational structure and lines of supervision;
6. Written policies and procedures established by the board of directors which clearly set forth the authority and the responsibilities delegated to the executive director;
7. A copy of the Articles of Incorporation, bylaws, and board roster, including the addresses of all officers;
8. A proposed budget for a period of not less than one (1) year;
9. Verification of not less than three (3) [month's] months' operating capital;
10. A written intake policy;

11. Written identification of specific program models or designs which shall include the methods of care and treatment to be provided;

12. Job title, job description, and minimum qualifications for all staff;

13. A projected staffing plan for the anticipated capacity;

14. Written child abuse and neglect reporting policy;

15. Written personnel practices, including staff training and orientation;

16. Written discipline policy;

17. Written visitation policy;

18. Written health care policy;

19. Written restraint policy which shall include a description of all methods to be used;

20. A needs assessment conducted and submitted as evidence of need for the type and scope of program proposed. This assessment shall include, at a minimum, an identification and survey of potential referral sources, existing resources, and unmet community needs;

21. Evidence of compliance with fire safety requirements of the State Fire Marshal;

22. Documentation that the agency's water supply and sewage disposal system is currently in compliance with the requirements of the Department of Health and Senior Services if not an approved public source;

23. Verification of a physical examination for all staff working directly with children, completed by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician, shall be submitted within thirty (30) days of initial licensure using the form prescribed by the division;

24. Results of a check of the [Child Abuse and Neglect Central Registry Unit (CRU)] Family Care Safety Registry (FCSR) for all staff [and], as well as students, volunteers [working directly], and contractors who have direct contact with children[;]. Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of child abuse/neglect and criminal background screening check(s) from those states. When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screening check(s) from the previous state(s) only needs to be completed upon initial employment. Results of employee medical examinations and background screenings (FCSR documentation) may be viewed by division licensing staff on site during routine record reviews;

25. Verification of the education and experience for all professional staff; and

26. Written description of the recreational program, and the manner in which staff are qualified and prepared to create, organize, and supervise them.

(6) Licensing Renewal.

(D) In addition to the completed application, the following documents shall be submitted:

1. Verification of a physical examination, completed by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician, for all staff working directly with children shall be submitted utilizing the form prescribed by the division;

2. A current board roster, including the addresses of all officers;

3. A summary of any significant changes to programs and copies of any resulting policies or policy changes;

4. A copy of a current organizational chart;

5. Annual results of a check of the [Child Abuse and Neglect CRU] Family Care Safety Registry (FCSR) for all staff [and], as

well as students, volunteers [working directly], and contractors who have direct contact with children[;]. Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of child abuse/neglect and criminal background screening check(s) from those states. When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screening check(s) from the previous state(s) only needs to be completed upon initial employment. Results of employee medical examinations and background screenings (FCSR documentation) may be viewed by division licensing staff on site during routine record reviews;

6. Evidence of current compliance with the fire and safety requirements of the State Fire Marshal;

7. A record of monthly drills for fire and emergency evacuations which are held at different times of the day and night;

8. Documentation that each facility's water supply and sewage disposal system is currently in compliance with the requirements of the Department of Health and Senior Services if not an approved public source; and

9. A copy of a financial audit conducted by a certified public accountant not employed by the agency.

AUTHORITY: section[s 210.481, 210.491, 210.501, 210.511 and] 210.516, RSMo [(1986) and 210.486 and 210.506, RSMo (Cum. Supp. 1993)] 2000. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expires Jan. 30, 2009. A proposed amendment covering the same material is published in this issue of the *Missouri Register*.

Title 13—DEPARTMENT OF SOCIAL SERVICES Division [40] 35—Children's Division [of Family Services]

Chapter 71—Licensing Rules for Residential Child Care Agencies

EMERGENCY AMENDMENT

13 CSR [40] 35-71.030 Hearings and Judicial Review. The division is amending the title of the chapter and section (1).

PURPOSE: The purpose of this amendment is to enhance child safety by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks and exclude from employment staff who meet specified criteria.

EMERGENCY STATEMENT: In response to a state auditor's performance audit (report number 2007-70), child safety needs to be enhanced by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks. The purpose of such background checks is to exclude from employment (effective the date of this amendment) staff who are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated probable cause and/or preponderance of evidence child sexual abuse and/or serious child abuse and/or serious neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure. Prior to promulgating emergency or proposed rules or amendments, section 210.506, RSMo requires the

Children's Division to consult with representatives from residential care facilities subject to licensure under sections 210.481 to 210.536, RSMo. Over the past several months, it has been an ongoing process, including a meeting with the involved parties, to make certain the safety of children, enhance the processes of background screening, and balance the best interest of residential care facilities, to ensure the children of Missouri placed in these facilities are receiving the best care available. The promulgation of this emergency amendment is necessary to preserve the compelling governmental interest in protecting children. Adding background checks will provide for the additional safety of children who are residing in residential homes licensed by the state. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 25, 2008, effective August 4, 2008, expires January 30, 2009.

(1) Reasons for License Denial[,] or License Revocation.

(A) The division may refuse to issue a license to an applicant, or may deny or revoke the license of a licensee, who—

1. Fails consistently to comply with the applicable provisions of sections 210.481–210.536, RSMo, and the applicable corresponding rules;

2. Violates any of the provisions of its license;

3. Violates state laws or rules relating to the protection of children;

4. Abuses or neglects children, or is the subject of multiple or serious reports of child abuse or neglect which upon investigation results in a **court adjudicated, probable cause, and/or preponderance of evidence finding [of reason to suspect], or after (effective the date of this amendment) are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious neglect.** An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure and the agency fails to take corrective action acceptable to the division;

5. Employs persons who abuse or neglect children, persons who are the subjects of multiple or serious reports of child abuse or neglect which upon investigation results in a **court adjudicated, probable cause, and/or preponderance of evidence finding [of reason to suspect] or after (effective the date of this amendment) are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious neglect.** An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure and the agency fails to take corrective action acceptable to the division;

6. Furnishes or makes any misleading or false statements or reports to the division;

7. Refuses to submit any reports or refuses to make available to the division any records required in making an investigation;

8. Fails or refuses to submit to an investigation by an authorized

and identified representative of the division at any reasonable time;

9. Fails to provide, maintain, equip, and keep in safe and sanitary condition the premises established or used for the care of children as required by law, rule, or ordinance applicable to the location of a facility; or

10. Fails to provide adequate financial resources for the satisfactory care of children being served, or the upkeep of the premises, or both.

AUTHORITY: section[s] 210.481, 210.491, 210.496, 210.501, 210.511, 210.516 and 210.526, RSMo (1986) and 210.486 and] 210.506, RSMo [(Cum. Supp. 1993)] 2000. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expires Jan. 30, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 13—DEPARTMENT OF SOCIAL SERVICES

Division [40] 35—Children's Division

[of Family Services]

Chapter 71—Licensing Rules for Residential Child Care Agencies

EMERGENCY AMENDMENT

13 CSR [40] 35-71.040 Organization and Administration. The division is amending the title of the chapter and adding subsection (2)(P).

PURPOSE: The purpose of this amendment is to enhance child safety by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks and exclude from employment staff who meet specified criteria.

EMERGENCY STATEMENT: In response to a state auditor's performance audit (report number 2007-70), child safety needs to be enhanced by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks. The purpose of such background checks is to exclude from employment (effective the date of this amendment) staff who are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated probable cause and/or preponderance of evidence child sexual abuse and/or serious child abuse and/or serious neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure. Prior to promulgating emergency or proposed rules or amendments, section 210.506, RSMo requires the Children's Division to consult with representatives from residential care facilities subject to licensure under sections 210.481 to 210.536, RSMo. Over the past several months, it has been an ongoing process, including a meeting with the involved parties, to make certain the safety of children, enhance the processes of background screening, and balance the best interest of residential care facilities, to ensure the children of Missouri placed in these facilities are receiving the best care available. The promulgation of this emergency amendment is necessary to preserve the compelling governmental interest in protecting children. Adding background checks will provide for the additional safety of children who are residing in residential homes licensed by the state. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the

Missouri and United States Constitutions. The division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 25, 2008, effective August 4, 2008, expires January 30, 2009.

(2) An agency shall have a governing body responsible for establishing its policies, determining its programs, guiding its development, and providing its leadership. Voting members of the board of directors shall not be employed by the agency. The governing body shall be responsible for—

(N) Meeting with division staff when requested; [and/

(O) Providing written notification to the division within five (5) working days when there is a change of executive directors, board president, or the organizational structure of the agency[.]; and

(P) Reporting a criminal act of an employee in the performance of employment duties to law enforcement and/or the prosecuting attorney and providing immediate oral report followed by a written report to the division five (5) working days after the occurrence of the criminal act that specifies the agency's corrective action plan.

AUTHORITY: section[s] 210.481, RSMo (1986), and 210.486 and] 210.506, RSMo [(Cum. Supp. 1993)] 2000. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expires Jan. 30, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 13—DEPARTMENT OF SOCIAL SERVICES

Division [40] 35—Children's Division

[of Family Services]

Chapter 71—Licensing Rules for Residential Child Care Agencies

EMERGENCY AMENDMENT

13 CSR [40] 35-71.045 Personnel. The division is moving the rule; amending the title of the chapter, the purpose, and sections (1) and (4); deleting section (2); and renumbering sections (3)–(7).

PURPOSE: The purpose of this amendment is to enhance child safety by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks and exclude from employment staff who meet specified criteria.

EMERGENCY STATEMENT: In response to a state auditor's performance audit (report number 2007-70), child safety needs to be enhanced by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks. The purpose of such background checks is to exclude from employment (effective the date of this amendment) staff who are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated probable cause and/or preponderance of evidence child sexual abuse and/or serious child abuse and/or serious neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure. Prior to promulgating emergency or proposed rules or amendments, section 210.506, RSMo requires the Children's Division to consult with representatives from residential care facilities subject to licensure under sections 210.481 to 210.536, RSMo. Over the past several months, it has been an ongoing process, including a meeting with the involved parties, to make certain the safety of

children, enhance the processes of background screening, and balance the best interest of residential care facilities, to ensure the children of Missouri placed in these facilities are receiving the best care available. The promulgation of this emergency amendment is necessary to preserve the compelling governmental interest in protecting children. Adding background checks will provide for the additional safety of children who are residing in residential homes licensed by the state. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed July 25, 2008, effective August 4, 2008, expires January 30, 2009.

PURPOSE: This rule sets forth the requirements for child abuse/neglect [checks] and criminal background screenings, medical examinations, personnel records, job descriptions, and staff orientation and training.

(1) General Requirements.

(C) The agency shall require that each employee, student, volunteer, and any contracted personnel who have direct contact with children to secure and provide to the agency [a Criminal Records Check from a state or local law enforcement agency] an annual child abuse/neglect and criminal background screening utilizing the Family Care Safety Registry from the Department of Health and Senior Services.

(D) Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of background screening(s) from those states to include, but not limited to, child abuse/neglect and criminal background screening check(s). When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screenings check(s) from the previous state(s) only needs to be completed upon initial employment. An agency shall exclude from employment (effective the date this rule is filed) staff who are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure.

(E) If an employee is hired with a child abuse/neglect/criminal history that does not otherwise exclude the employee from employment, the agency administrator/executive director shall document in writing in the employee's file the reason for hiring the employee and how children in residence at the operating site will be protected.

[(D)](F) Prior to the employment of any person for a position requiring credit hours, a degree, or both from an accredited college or university, a resume and an official college transcript, or a copy of the diploma, shall be on file at the agency. Any person employed in a position requiring general educational development (GED) certificate or high school diploma shall provide documentation of such within thirty (30) days of employment.

[(E)](G) An agency shall require the names of at least three (3) persons for each staff person, who are unrelated to the staff member, who can provide character references[;].

(H) An agency shall require [employer] references for each staff

person from all previous employers within the last five (5) years and a history of any previous employment in child care settings.

(I) All references shall be documented by the agency with letters or verification in the record of verbal contacts, providing the date, person making the contact, and the content of the contact.

(J) The agency shall require an annual driver record check for any staff who transport residents. No staff with a suspended or revoked driver's license or record of driving while under the influence of alcohol or any other intoxicating substance within the last five (5) years shall transport residents.

[(2)] Child Abuse and Neglect Central Registry Unit (CRU) Checks.

(A) The agency shall request from the division a check of the Child Abuse and Neglect CRU to determine whether a child abuse or neglect report, or both, has been received on staff members and volunteers working directly with children. The CRU checks shall be submitted either at the time of employment or within ten (10) days following employment. Results of the checks shall be on file at the agency.

(B) The agency shall require each staff person to read and sign a statement defining child abuse and neglect and outlining responsibilities to report all child abuse and neglect incidents as required by statute.]

[(3)](2) Medical Examinations.

(A) All persons employed by an agency who work directly with children shall be free of signs of highly communicable disease or other evidence of ill health which poses a threat to children. This shall be verified by a physical examination by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician before employment, or within ten (10) days following employment, and biennially thereafter.

(B) Medical examination reports shall include a tuberculin skin test, a chest X ray, or appropriate follow-up of a previous examination that indicates the individual is free of contagion.

(C) Staff shall be free of any conditions which would adversely affect their ability to care for children or pose a threat to children.

(D) If the division has reason to question the capabilities of any person working directly with children, the division may require additional examinations.

[(4)](3) Personnel Records. Personnel records shall be maintained for each staff member, as indicated below. [and shall include:]

(A) For an employee, the personnel record shall include—

1. Verification of education and experience[;], and a copy of professional license, if applicable;

[(B)]2. Verification of the names of three (3) persons, unrelated to the staff member, who can provide character references;

[(C)]3. Verification of employer references for the past five (5) years and a history of any previous employment in child care settings;

[(D)]4. A copy of the job description signed by the employee;

[(E)]5. Reports of initial and [subsequent physical] biennial medical examinations[;] that indicates that they are free from communicable disease, including, but not limited to, tuberculosis and hepatitis;

[(F)]6. Results of annual checks of the [Child Abuse and Neglect CRU;] Family Care Safety Registry;

7. Results of background screenings from other states in which employees have resided and/or have lived or worked within the past five (5) years;

[(G)]8. The date of employment, date of separation, reason(s) for separation;

[(H)]9. Copies of an initial six (6) months' performance evaluation and each subsequent annual evaluation; [and]

[(I)] Results of the Criminal Records Check.]

10. Results of an annual driver record check for any employee, student, volunteer, and any contracted personnel who transports residents;

11. A copy of the signed confidentiality statement;

12. A copy of the signed discipline policy;

13. A copy of the signed mandated child abuse/neglect reporting policy;

14. A copy of a signed acknowledgement of receipt of program and personnel policies;

15. A copy of the signed acknowledgment of completed agency orientation; and

16. Documentation of staff training.

(B) Students, Volunteers, and Contracted Employees who have direct contact with children shall include—

1. Copy of professional credentials (if applicable);

2. Documentation of initial and biennial medical examinations that indicate that they are free from communicable disease including, but not limited to, tuberculosis and hepatitis;

3. Results of annual checks of the Family Care Safety Registry;

4. Results of background screenings from other states in which students/volunteers who have direct contact with children have resided and/or have lived or worked within the past five (5) years;

5. A copy of the contract or any agreement outlining purpose of presence on site;

6. A copy of the signed confidentiality policy;

7. A copy of the signed discipline policy;

8. A copy of the mandated child abuse/neglect reporting policies;

9. A copy of the acknowledgement of receipt of policies related to their agreement/contract; and

10. Documentation of staff orientation participation.

[(5)](4) Job Descriptions. An agency shall establish a written job description for each position, which shall be made available to staff at the time of employment. Each description shall describe the duties and responsibilities of the position; address supervision, required knowledge, skills and abilities, minimum experience, educational requirements; and shall include examples of work performed.

[(6)](5) Staff Orientation. Immediately before or following appointment, a staff member shall be oriented to the agency's programs, practices, and the duties and expectations of his/her position. The orientation program shall include, but not be limited to:

(A) Agency philosophy and history;

(B) Agency policies;

(C) Agency staff roles;

(D) The family's role in the child's care and the worker's role and responsibilities in relation to the family;

(E) Complete description of the agency's program model;

(F) Health and safety procedures, including the use of universal health care precautions;

(G) Crisis intervention procedures;

(H) Record keeping requirements;

(I) Cultural diversity;

(J) Separation and attachment issues;

(K) Confidentiality;

(L) Substance abuse;

(M) Recognition of suicidal tendencies and appropriate intervention;

(N) The procedure for identifying and reporting child abuse or neglect, or both, in accordance with sections 210.110–210.165, RSMo; and

(O) Agency recreation program philosophy, policy, procedures, rules, and expectations.

[(7)](6) Staff Training.

(A) An agency shall establish and submit to the licensing unit an annual written plan for at least forty (40) hours of training each year for the executive director, child care staff, professional staff, and recreation and activity staff. All training must be documented with the dates, location, the subject, and the name of the person(s) who conducted the training. The training may include, but not be limited to, short-term courses, seminars, institutes, workshops, and in-service training provided on-site by qualified professionals.

(B) The training plan shall include, but not be limited to:

1. Developmental needs of children;

2. Child management techniques;

3. Basic group dynamics;

4. Appropriate discipline, crisis intervention, de-escalation techniques, and behavior management techniques;

5. The direct care and professional staff roles in the facility;

6. Interpersonal communication;

7. Proper, safe methods and techniques of restraint;

8. First aid and cardiopulmonary resuscitation (CPR) training; and

9. Suicide prevention.

AUTHORITY: section[s] 210.150 and 210.152, RSMo (Cum. Supp. 1991), 210.481 and 210.511, RSMo (1986) and 210.486 and] 210.506, RSMo [(Cum. Supp. 1993)] 2000. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expires Jan. 30, 2009. A proposed amendment covering this same material is published in this issue of the Missouri Register.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2007.

EXECUTIVE ORDER 08-25

WHEREAS, the severe storms and subsequent flooding that began on June 1, 2008, created a condition of distress and hazards to the safety and welfare of the citizens of the state of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

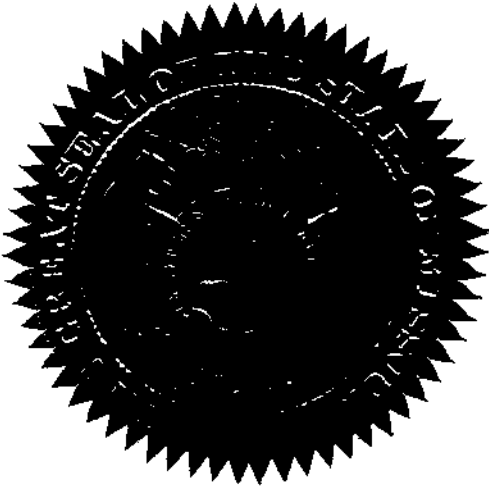
WHEREAS, Executive Order 08-20 was issued on June 11, 2008, declaring a State of Emergency within the state of Missouri; and

WHEREAS, Executive Order 08-21 was issued on June 20, 2008, authorizing the Director of the Missouri Department of Natural Resources to waive or suspend temporarily the operation of statutory or administrative rules or regulations in order to expedite the cleanup and recovery process; and

WHEREAS, Executive Order 08-23 was issued on July 11, 2008, authoring the extension of the authority granted to the Director of the Missouri Department of Natural Resources to waive or suspend temporarily the operation of statutory or administrative rules or regulations in order to expedite the cleanup and recovery process; and

WHEREAS, communities in the state of Missouri continue their flood recovery efforts.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, hereby extend the order contained in Executive Orders 08-21 and 08-23 through August 31, 2008, for the purpose of continuing the cleanup efforts following flooding in the affected Missouri communities.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 28th day of July, 2008.

A handwritten signature in cursive script that reads "Matt Blunt".

Matt Blunt
Governor

ATTEST:

A handwritten signature in cursive script that reads "Robin Carnahan".

Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 31—Missouri Universal Service Fund

PROPOSED AMENDMENT

4 CSR 240-31.010 Definitions. The commission is amending section (9).

PURPOSE: This rule defines terms used in the rules comprising Chapter 31. This amendment changes "Medicaid" to "a program pursuant to 42 U.S.C. sections 1396-1396v" to clarify that Universal Service Fund low-income assistance is available to customers who qualify for federal program benefits under that law, irrespective of the programs' names, which may change over time.

(9) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and who par-

ticipates or has a dependent residing in the customer's household who participates in *[Medicaid]* a program pursuant to 42 U.S.C. sections 1396-1396v, food stamps, Supplementary Security Income (SSI), federal public housing assistance or Section 8, National School Lunch Program's free lunch program, Temporary Assistance for Needy Families, or Low Income Home Energy Assistance Program (LIHEAP).

AUTHORITY: section[s] 392.200.2, RSMo Supp. [2004] 2007 and sections 392.248 and 392.470.1, RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Oct. 30, 2002, effective July 30, 2003. Emergency amendment filed May 31, 2005, effective June 10, 2005, expired Feb. 15, 2006. Amended: Filed June 30, 2005, effective Feb. 28, 2006. Emergency amendment filed July 22, 2008, effective Aug. 1, 2008, expires Jan. 29, 2009. Amended: Filed July 22, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Colleen M. Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register and should include a reference to commission Case No. TX-2009-0030. Comments may also be submitted via a filing using the commission's electronic filing and information system and <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for October 3, 2008 at 1:30 p.m. in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Division 10—Division of Employment Security Chapter 4—Unemployment Insurance

PROPOSED RULE

8 CSR 10-4.200 Unemployment Automation Surcharge

PURPOSE: This rule establishes procedures for calculating the unemployment automation surcharge and the conditions for receiving the contribution rate reduction provided in section 288.131, RSMo.

(1) For purposes of calculating the amount of the annual unemployment automation surcharge, a cut-off date is established as the period ending with the date on which contribution and wage reports and

contributions for the second calendar quarter of any year are delinquent as provided in section 288.090, RSMo.

(2) An employing unit not previously subject to this law that becomes an employer or is determined to be an employer after the cut-off date will not be liable to pay the unemployment automation surcharge during the following calendar year.

(3) Any employer whose liability to pay contributions under Chapter 288, RSMo, is established prior to the cut-off date and whose contribution rate is greater than zero (0) shall pay an annual unemployment automation surcharge based upon such employer's total taxable wages for the twelve (12)-month period ending the preceding June 30. If any such employer neglects or refuses to file a contribution report for any calendar quarter during the twelve (12)-month period ending the preceding June 30, the division shall make an estimate based on any information in its possession or that may come into its possession of the amount of taxable wages paid by such employer for the period in respect to which the employer failed to file such contribution and wage report. The division shall use such estimated taxable wages in calculating the amount of the unemployment automation surcharge for the following calendar year.

(4) If an employer is not liable under this rule to pay the unemployment automation surcharge during a specific calendar year, that employer's applicable contribution rate for such calendar year shall not be reduced by five one-hundredths of one percent (0.05%).

AUTHORITY: section 288.220, RSMo 2000. Original rule filed July 31, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Division of Employment Security, Attn: Spencer Clark, Acting Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution
Control Rules Specific to the St. Louis Metropolitan
Area

PROPOSED RESCISSION

10 CSR 10-5.430 Control of Emissions From the Surface Coating of Chrome-Plated and Resist Plastic Parts. This rule specified the volatile organic compound (VOC) emission limits for the surface coating of chrome-plated plastic parts at the Siegel-Roberts Plating Company in south St. Louis. If the commission adopts this rule action, it will be the department's intention not to submit this rule rescission to the U.S. Environmental Protection Agency for removal from the Missouri State Implementation Plan because it is not part of the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural

Resources' Environmental Regulatory Agenda website, <http://www.dnr.mo.gov/regs/index.html>.

PURPOSE: The purpose of this rule action is to rescind an obsolete regulation that was promulgated specifically for only one (1) now out-of-business facility. This rule was written to limit VOC emissions from the surface coating of chrome-plated plastic parts at Siegel-Robert Plating Company in south St. Louis. Siegel-Robert has since terminated its operating permit at this facility and vacated the premises. Rescinding the obsolete regulation will eliminate confusion in the regulated community over applicable emission standards. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is a letter, dated September 18, 2007, from the City of Saint Louis Air Pollution Control requesting rescission of this rule and an Operating Permit termination letter from Siegel-Robert dated January 6, 2005.

AUTHORITY: section 643.050, RSMo 1994. Original rule filed Aug. 4, 1987, effective Dec. 24, 1987. Rescinded: Filed Aug. 1, 2008.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed rescission will begin at 9:00 a.m., October 30, 2008. The public hearing will be held at the Clarion Hotel, Ballroom Four, 3333 S. Glenstone, Springfield, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written or email statement of their views until 5:00 p.m., November 6, 2008. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176. Email comments shall be sent to apcprulespn@dnr.mo.gov.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 1—Definitions and Organizational Structure

PROPOSED AMENDMENT

10 CSR 23-1.050 Qualifications. The division is amending section (1), adding new sections (2) and (3), and renumbering the old paragraphs of section (1) as sections (4)–(15) and the old section (2) as section (16).

PURPOSE: This amendment changes the requirements to become a permitted contractor in the state of Missouri. Persons who apply to work as a well or pump installation contractor will be required to first become an apprentice under a current non-restricted permittee. This change will allow the Water Protection Program, Public Drinking Water Branch to track the actual work experience of the apprentice.

(1) All applicants for a **nonrestricted** well installation, heat pump installation, monitoring well installation, monitoring test-hole installation, and pump installation contractor permits shall meet the following requirements:

[(A) A minimum of one thousand (1000) hours of experience is required in the type of well drilling the applicant requests to receive a permit for. A minimum of five hundred (500) hours of experience is required in pump installation for that type of permit. At least three (3) different people familiar with the experience must document that the applicant has the required amount of experience on experience vouchers supplied by the division. The experience must have been gained in Missouri except that an applicant may provide the division with information demonstrating that his/her experience was gained in an area with the same or similar geological and other well drilling conditions as in the applicant's proposed well drilling operations territory in Missouri. This experience may be considered as meeting the experience requirement of these rules.

(B) Submission to the division of properly completed experience vouchers, application and submission of appropriate fee.

(C) Knowledge of the rules promulgated by the law, knowledge of basic drilling, completion and plugging techniques as evidenced by a passing grade on an examination administered by the division. The following procedures must be followed when applying for and taking the appropriate proficiency tests:

1. Applicants for well installation contractor, heat pump installation contractor, monitoring well installation contractor, monitoring-test hole installation contractor or pump installation contractor must pass the appropriate examinations. There are six (6) tests that can be taken—

A. General test. Every prospective permittee must pass this test. The questions will be over the rules and will be an open book test. The purpose of this test is to ensure that all permitted persons are familiar with the rules and are able to locate information as needed;

B. Well driller contractor test. All applicants for a nonrestricted well installation permit must pass this test. The questions will be based on the skills necessary to operate as a well installation contractor;

C. Pump contractor test. All applicants for a nonrestricted pump installation permit must pass this test. The questions will be based on the skills necessary to operate as a pump installation contractor;

D. Heat pump contractor test. All applicants for a nonrestricted heat pump installation permit must pass this test. The questions will be based on the skills necessary to operate as a heat pump installation contractor;

E. Monitoring well contractor test. All applicants for a nonrestricted monitoring well installation permit must pass this test. The questions will be based on the skills necessary to operate as a monitoring well installation contractor; and

F. Monitoring-test hole contractor test. All applicants for a nonrestricted monitoring-test hole installation permit must pass this test. The questions will be based on the skills necessary to operate as a monitoring-test hole installation contractor;]

(A) Applicant must submit the testing application, supplied by the division, and appropriate testing fee;

(B) Applicant must pass the general test (open book) with a minimum score of seventy percent (70%);

(C) After passing the general test, applicant must submit an apprenticeship application, supplied by the division. The apprenticeship application must be accompanied by the appropriate permit fee, and must be signed by the nonrestricted permittee who will be responsible for the apprenticeship and apprentice's work;

(D) After approval of the application for apprenticeship, the division will issue the applicant a permit number for use during the apprenticeship;

(E) Applicant must be an apprentice for a period of two (2) years;

(F) During the two (2)-year apprenticeship, the apprentice must perform the type of work applied for and sign and submit the appropriate certification or registration form on at least:

- 1. Twenty-five (25) different water well installations;**
- 2. Twenty-five (25) different pump installations;**
- 3. Ten (10) different heat pump installations; and/or**
- 4. Twenty (20) different monitoring well sites;**

(G) Applications submitted from work performed by an apprentice in other states will be considered as long as the corresponding state has construction requirements similar to the requirements of the state of Missouri;

(H) The nonrestricted permittee responsible for the apprentice must also sign the required certification/registration form as the installation contractor and submit the form and appropriate fee to the division;

(I) At the end of the two (2)-year apprenticeship, the apprentice must submit a testing application and the appropriate testing fee for the specific (closed book) test;

(J) If, at the end of the two (2)-year period, the apprentice has not completed the required number of installations, the apprentice may apply to extend the apprenticeship on a year-by-year basis; and

(K) After completion of the apprenticeship period and passing the specific test, the apprentice must submit a contractor application, supplied by the division, with appropriate fees. After approval of the application, the division will issue the apprentice a nonrestricted permit.

(2) The apprentice may transfer to another company; however, a nonrestricted permittee must sign as the responsible party for the apprentice. The apprentice may apply to transfer to another company by submitting a new apprenticeship application to the division.

(3) Applicants for the nonrestricted permit who hold a valid permit that is in good standing in another state with requirements similar to the state of Missouri's requirements, as determined by the division, must submit the testing application, appropriate testing fee, and proof of the valid permit to be scheduled for the test. After passing the general (open book) and specific (closed book) tests with a minimum score of seventy percent (70%) on each test, the applicant must submit each of the following to the division within thirty (30) days:

(A) A contractor application;

(B) Vehicle application, supplied by the division, for each drilling rig, pump truck, or service rig which will be used by the permittee and appropriate fee;

(C) Proof of financial responsibility in the form of a surety bond, certificate of deposit (CD), or irrevocable letter of credit in the amount of twenty-five thousand dollars (\$25,000). The bond, CD, or letter of credit shall be:

- 1. Placed on file with the division;**
- 2. Made payable to the Department of Natural Resources; and**
- 3. Issued by an institution authorized to issue such bonds in this state.**

(D) The requirement for proof of financial responsibility shall cease after two (2) consecutive years of permitted activity if the contractor does not have any outstanding notices of violation against their permit. If the contractor does not have any outstanding violations at the end of the two (2)-year period, the bond or letter of credit will be returned to the contractor within thirty (30) days of the end of the two (2)-year period;

(E) If, at the end of those two (2) years, the division has found that the contractor has failed to meet the construction standards set forth in the Missouri Well Construction Rules, the division

shall notify the contractor, within sixty (60) days, that the bond or letter of credit will be forfeited and the moneys placed in the Groundwater Protection Fund for remedial action, if the permittee does not bring the well up to the standards established in the notice of violation within the timeframes determined by the division. The division may, upon expiration of the notification period, expend whatever portion of the bond or letter of credit is necessary to hire another contractor to bring the well or borehole up to the standards set forth in the notice of violation or to plug the well and construct a new well; or

(F) If, at the end of those two (2) years, the division has found that the contractor has outstanding violations against the administrative standards set forth in the Missouri Well Construction Rules, the division shall notify the contractor, within sixty (60) days, that the bond or letter of credit will continue to be held as a condition of permit renewal for period of another two (2) years.

[2.](4) *[Most drilling applications in Missouri require the drilling of some unconsolidated material before consolidated material is encountered. Therefore, the drilling examinations will cover, among other things, drilling in consolidated and unconsolidated material. There are some areas in Missouri, like the Bootheel region of southeast Missouri, where thick deposits of unconsolidated material are present.]* A special restricted permit and examination are available, upon request, for those persons who only drill unconsolidated material wells or set pumps in them. **To be scheduled for this type of restricted examination, an application must be received at least fifteen (15) days prior to the testing date for which the applicant wishes to be scheduled.** If a restricted permittee is found to be drilling or setting a pump in a type of material they are not permitted to *[drill]* operate in, they will be subject to appropriate enforcement action. *[If a restricted permittee is found to be installing pumps in a consolidated material well, they will be subject to appropriate enforcement action.]*

[3.](5) Information on where to obtain applicable study material will be available to each applicant prior to testing[;].

[4.](6) A testing schedule will be available upon request of the applicant[;].

[5.](7) A completed application for testing must be received fifteen (15) days prior to the testing date for which the applicant wishes to be scheduled. The division will notify the applicant within ten (10) days from receiving the completed application for testing if the applicant has qualified to take the test applied for and the date of the next available test. The testing fee is due before the test is given[;].

[6.](8) A minimum score of seventy percent (70%) on the general test[;] and a minimum score of seventy percent (70%) on each required specific test must be achieved by the applicant prior to being permitted. The applicant will be sent the results of the test as soon as possible. If applicant has a passing score, the appropriate applications for permit will be included with the results[;].

[7.](9) Applicant may retake all tests on the same day if time allows. All retakes must be accompanied by the testing fee[;].

[8.](10) If a request is made and documented more than thirty (30) days in advance, the exam may be taken orally. The same exam will be given and the same results must be achieved on an oral exam as for a written exam. Due to the special nature of this type of exam, special scheduling dates will be necessary. People with disabilities requiring services or accommodations can make arrangements by contacting the division[;].

[9.](11) Any applicant who does not agree with his/her test results[;] may appeal to the Well Installation Board[;].

[10.](12) If an applicant wishes to withdraw his/her application for testing, s/he may do so by requesting, in writing, ten (10) days in advance. If the applicant does not cancel as stated and is not present for the test, they may reschedule up to two (2) times. If after the second reschedule the applicant does not appear, the testing application will be cancelled and the fee will be forfeited. If the applicant wishes to take the test after the testing application has been cancelled, they must reapply and submit the appropriate fee[;].

[11. *All well installation contractors and pump installation contractors that were operating with a valid permit on the December 11, 1993 are not required to take any test to renew their permit, but must submit an affidavit supplied by the division stating that they have read and understand the new rules. Those people who wish to apply for a contractors' permit that have at least one thousand (1000) hours of documented experience do not have to take any test if they apply by March 30, 1994, but must submit an affidavit supplied by the division stating that they have read and understand the rules currently in effect;*]

[12.](13) Persons who contract the drilling of wells, installation of pumps, or both, but do not drill the wells or set the pumps must be a permitted well installation, heat pump installation, monitoring well installation, monitoring-test hole installation, or pump installation contractor, or any combination of these. The only test required is the general (open book) test. *[and drilling or pump setting experience is not required but is highly recommended.]* A restriction must be placed on the permit which states that any well drilling or pump work contracted be done by a nonrestricted permitted installation contractor. **Persons who wish to apply for this type of exam shall submit the testing application and appropriate fees[;].**

[13.](14) A nonrestricted permitted well installation, heat pump installation, monitoring well installation, monitoring-test hole installation, pump installation contractor, or any combination of these, must be present at all times **during the apprentice's initial number of installations** (see subsection (1)(F) of this rule). **The nonrestricted permittee must be on site during the initial installations** (see subsection (1)(F) of this rule) while a well is being drilled and completed, a pump is being set, or any combination of these[; and].

[14.](15) Persons who wish only to drill the heat pump hole and grout the closed-loop into the heat pump hole must obtain a permit to do so. The permit will be restricted to the previously mentioned activities and a current nonrestricted water well installation contractor's permit is required as one (1) of the qualification criteria. Those people who wish to apply for this type of heat pump installation contractor's permit that have *[at least one thousand (1000) hours of documented water well experience]* **a valid nonrestricted water well installation contractor permit** must only take the general test covering heat pump construction.

[15.](16) Applicants for contractor permits who do not meet the requirements set out in this rule may petition the board. The board has the authority to rule upon the qualifications of the applicants and may require additional evidence of qualifications.

AUTHORITY: sections 256.606, 256.607, 256.611, 256.613, and 256.626, RSMo [1994] 2000. Original rule filed April 2, 1987, effective July 27, 1987. Emergency amendment filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Amended: Filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed July 13, 1994, effective Jan. 29, 1995. Amended: Filed Nov. 1, 1995, effective June 30, 1996. Amended: Filed July 30, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Sheri Fry, PO Box 250, Rolla, MO 65402 or via email at sheri.fry@dnr.mo.gov. To be considered, comments must be received by close of business on October 7, 2008. A public hearing is scheduled for October 6, 2008 at the Department of Natural Resources' Division of Geology and Land Survey Multi-Purpose Building, 111 Fairgrounds Road, Rolla, MO 65402. The public hearing will begin at 9:00 a.m.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 23—Division of Geology and Land Survey
Chapter 1—Definitions and Organizational Structure**

PROPOSED AMENDMENT

10 CSR 23-1.060 Application for a Permit. The division is amending sections (1) and (2).

PURPOSE: This amendment changes the requirements to become a permitted contractor in the state of Missouri. Persons who apply to work as a well or pump installation contractor will be required to first become an apprentice under a current nonrestricted permittee. This change will allow the Water Protection Program, Public Drinking Water Branch to track the actual work experience of the apprentice.

(1) All applicants shall submit an application. The division shall not act upon the application until they have received all required information, *[including experience vouchers from individuals who are familiar with the applicant's work experience for the type of permit applied for,]* the appropriate fee, *[and]* a passing grade on the appropriate exams, and, if applicable, proof of financial responsibility. If applicant holds a valid permit from another state with requirements similar to the state of Missouri's, the applicant must also submit proof of the valid permit. Proof shall be at the discretion of the division. An application will not be acted upon or it will be denied if the applicant has violated any rules and has not remediated these violations. The division may issue a permit on a probationary status.

(2) The application shall be accompanied by the appropriate fee(s). The fee shall be made payable to the *[Missouri Water Well Driller's]* Groundwater Protection Fund. There will be no refund of monies paid for the permits after the fee has been transferred to the *[Water Well Drillers]* Groundwater Protection Fund in Jefferson City unless the request is made in writing. In the case of any change of status of any permittee, that permittee shall notify the division and submit a new application and appropriate fee required pursuant to these rules. In the case of either change in ownership of a rig or the purchase of a new rig, a new application form and the appropriate fee must be sent to the division, and a new card will be issued.

AUTHORITY: sections 256.606, 256.607, 256.611, 256.613, and [256.623] 256.626, RSMo [1994] 2000. Original rule filed April 2, 1987, effective July 27, 1987. Emergency amendment filed Nov. 16, 1993, effective Dec. 11, 1993, expired April 9, 1994. Amended: Filed Aug. 17, 1993, effective March 10, 1994. Amended: Filed Nov. 1, 1995, effective June 30, 1996. Amended: Filed July 30, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Sheri Fry, PO Box 250, Rolla, MO 65402 or via email at sheri.fry@dnr.mo.gov. To be considered, comments must be received by close of business on October 7, 2008. A public hearing is scheduled for October 6, 2008 at the Department of Natural Resources' Division of Geology and Land Survey Multi-Purpose Building, 111 Fairgrounds Road, Rolla, MO 65402. The public hearing will begin at 9:00 a.m.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division [40] 35—Children's Division
[of Family Services]
Chapter 71—Licensing Rules for Residential Child Care
Agencies**

PROPOSED AMENDMENT

13 CSR [40] 35-71.010 Definitions. The division is moving the rule, amending the title of the chapter, adding new sections (3), (4), and (8), renumbering old sections (3)–(15), and amending various sections.

PURPOSE: The purpose of this amendment is to enhance child safety by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks and exclude from employment staff who meet specified criteria.

(3) Child abuse/neglect background check is, at a minimum, a search of the Family Care Safety Registry for residential child care agency staff child abuse/neglect history pursuant to sections 210.903 through 210.936, RSMo.

(4) Criminal background check is, at a minimum, a search of the Family Care Safety Registry for residential child care agency staff criminal history pursuant to sections 210.903 through 210.936, RSMo.

[[3]](5) Director is the director of the *[Division of Family Services]* Children's Division.

[[4]](6) Division is the *[Division of Family Services]* Children's Division of the Department of Social Services of Missouri as defined in section 210.481(3), RSMo.

[[5]](7) Facility is any building of a licensed agency in which children reside.

(8) Family Care Safety Registry pursuant to sections 210.903 through 210.936, RSMo, is established to protect children, the elderly, and disabled individuals in the state and to promote community safety by providing information concerning family caregivers as established within the Department of Health and Senior Services. The registry contains information on child-care workers' and personal-care workers' background and child-care, elder-care, and personal-care providers as specified in section 210.903.2(1)–(8), RSMo.

[(6)](9) Intensive residential treatment is provided in a living unit of an agency for gravely, emotionally disturbed youth that has the capability of providing a highly structured and secure environment to prevent runaway behavior, address the likelihood of rage and physical aggression, and minimizes the likelihood of youth injuring themselves or others. Intensive residential treatment may be achieved through a combination of staffing patterns, architectural design of the facility, electronic monitoring of the facility and its exits, or other means necessary to assure safety.

[(7)](10) License is the legal document issued to an agency by the division for a period not to exceed two (2) years which authorizes the agency to provide twenty-four (24)-hour care for children, subject to compliance with sections 210.481–210.536, RSMo, and the applicable rules promulgated by the division (section 210.481(6), RSMo).

[(8)](11) Mechanical restraints are any device, instrument, or physical object used to confine or limit a child's freedom of movement, except when necessary for orthopedic, surgical, and other medical purposes, or when necessary, to transport a child that may abscond or cause injury during transportation. Support devices used in normal situations to achieve proper body position and balance are not mechanical restraints.

[(9)](12) Physical restraint is physical holding involving restriction of a child's voluntary movement to temporarily restrain an agitated, violent, or aggressive child who presents a likelihood of serious physical harm to him/herself[,] or others or of doing serious property damage.

[(10)](13) Residential care agency is an agency providing twenty-four (24)-hour care and treatment to children who are unrelated to the person operating the agency[,] and who are unattended by a parent or guardian (as defined in section 210.481(10), RSMo, as residential care facility).

[(11)](14) Social Services is the provision of direct services, by plan, to the child and family to identify and resolve problems which negatively have affected his/her development, behavior, and social functioning.

[(12)](15) Staff are persons employed by an agency.

[(13)](16) Transitional living services are services provided to older adolescents that combine life skills training with opportunities to practice same. The goal of such services is to prepare the youth for successful adult living in the community upon their discharge from residential care.

[(14)](17) Volunteer is any person who provides direct services to children within an agency, either on or off the premises, without financial compensation.

[(15)](18) Well-known religious order, church, and religious organization are defined as follows:

(A) A church, synagogue, or mosque;

(B) An entity that would qualify for federal tax exempt status as a not-for-profit religious organization under section 501(c) of the *Internal Revenue Code* of 1954; or

(C) An entity where the real property on which the child care facility is located is exempt from local taxation because it is used for religious purposes.

AUTHORITY: section[s] 210.481, RSMo (1986), 210.486 and/ 210.506, RSMo [(Cum. Supp. 1993)] 2000. Original rule filed May 9, 1956, effective May 19, 1956. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed

July 25, 2008, effective Aug. 4, 2008, expires Jan. 30, 2009. Amended: Filed July 25, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Children's Division, Paula Neese, Director, PO Box 88, Jefferson City, MO 65103. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division [40] 35—Children's Division
[of Family Services]
Chapter 71—Licensing Rules for Residential Child Care Agencies

PROPOSED AMENDMENT

13 CSR [40] 35-71.020 Basic Residential Child Care Core Requirements (Applicable To All Agencies)—Basis for Licensure and Licensing Procedures. The division is moving the rule, amending the title of the chapter and the rule, and amending subsections (2)(A) and (6)(D).

PURPOSE: The purpose of this amendment is to enhance child safety by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks and exclude from employment staff who meet specified criteria.

(2) Application for Licensure.

(A) An agency shall submit the following documents to the division—

1. Application for Licensure signed by the applicant;
2. Evidence of compliance with local building and zoning requirements;
3. A floor plan of the proposed site in which the specific use of each room is identified;
4. A signed copy of the Civil Rights Agreement;
5. A chart depicting the agency's organizational structure and lines of supervision;
6. Written policies and procedures established by the board of directors which clearly set forth the authority and the responsibilities delegated to the executive director;
7. A copy of the Articles of Incorporation, bylaws, and board roster, including the addresses of all officers;
8. A proposed budget for a period of not less than one (1) year;
9. Verification of not less than three (3) *[month's] months'* operating capital;
10. A written intake policy;
11. Written identification of specific program models or designs which shall include the methods of care and treatment to be provided;
12. Job title, job description, and minimum qualifications for all staff;
13. A projected staffing plan for the anticipated capacity;
14. Written child abuse and neglect reporting policy;
15. Written personnel practices, including staff training and orientation;
16. Written discipline policy;
17. Written visitation policy;

18. Written health care policy;
19. Written restraint policy which shall include a description of all methods to be used;
20. A needs assessment conducted and submitted as evidence of need for the type and scope of program proposed. This assessment shall include, at a minimum, an identification and survey of potential referral sources, existing resources, and unmet community needs;
21. Evidence of compliance with fire safety requirements of the State Fire Marshal;
22. Documentation that the agency's water supply and sewage disposal system is currently in compliance with the requirements of the Department of Health and Senior Services if not an approved public source;
23. Verification of a physical examination for all staff working directly with children, completed by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician, shall be submitted within thirty (30) days of initial licensure using the form prescribed by the division;
24. Results of a check of the *[Child Abuse and Neglect Central Registry Unit (CRU)] Family Care Safety Registry (FCSR)* for all staff *[and]*, as well as students, volunteers *[working directly]*, and contractors who have direct contact with children*[/]*. Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of child abuse/neglect and criminal background screening check(s) from those states. When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screening check(s) from the previous state(s) only needs to be completed upon initial employment. Results of employee medical examinations and background screenings (FCSR documentation) may be viewed by division licensing staff on site during routine record reviews;
25. Verification of the education and experience for all professional staff; and
26. Written description of the recreational program, and the manner in which staff are qualified and prepared to create, organize, and supervise them.

(6) Licensing Renewal.

(D) In addition to the completed application, the following documents shall be submitted:

1. Verification of a physical examination, completed by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician, for all staff working directly with children shall be submitted utilizing the form prescribed by the division;
2. A current board roster, including the addresses of all officers;
3. A summary of any significant changes to programs and copies of any resulting policies or policy changes;
4. A copy of a current organizational chart;
5. Annual results of a check of the *[Child Abuse and Neglect CRU] Family Care Safety Registry (FCSR)* for all staff *[and]*, as well as students, volunteers *[working directly]*, and contractors who have direct contact with children*[/]*. Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of child abuse/neglect and criminal background screening check(s) from those states. When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screening check(s) from the previous state(s) only needs to be completed

upon initial employment. Results of employee medical examinations and background screenings (FCSR documentation) may be viewed by division licensing staff on site during routine record reviews;

6. Evidence of current compliance with the fire and safety requirements of the State Fire Marshal;
7. A record of monthly drills for fire and emergency evacuations which are held at different times of the day and night;
8. Documentation that each facility's water supply and sewage disposal system is currently in compliance with the requirements of the Department of Health and Senior Services if not an approved public source; and
9. A copy of a financial audit conducted by a certified public accountant not employed by the agency.

AUTHORITY: *section[s 210.481, 210.491, 210.501, 210.511 and] 210.516, RSMo [(1986) and 210.486 and 210.506, RSMo (Cum. Supp. 1993)] 2000. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. For intervening history, please consult the Code of State Regulations. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expires Jan. 30, 2009. Amended: Filed July 25, 2008.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will cost private entities twenty thousand ninety-three dollars (\$20,093) annually.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Children's Division, Paula Neese, Director, PO Box 88, Jefferson City, MO 65103. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

- I. **Department Title:** Department of Social Services
Division Title: Children's Division
Chapter Title: Licensing Rules for Residential Child Care Agencies

Rule Number and Title:	13 CSR [40] 35-71.020 Basic Residential Child Care Core Requirements (Applicable To All Agencies)-Basis for Licensure and Licensing Procedures
Type of Rulemaking:	Proposed Rule

II. **SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Seventy six (76) agencies with one hundred forty three (143) operating sites	Licensed residential child care agencies	\$20,093.00 per year

III. **WORKSHEET**

Taking 25% of 3,572, there are 893 employees needing our of state background checks. $893 \text{ employees} \times \$22.50 = \$20,092.50$ or \$20,093.00 per year.

IV. **ASSUMPTIONS**

An assumption was made for cost of out of state background checks to use the cost as it is in the state of Kansas. The estimated cost is no more than \$12.50 (criminal background check) + \$10.00 (child abuse/neglect background check) = \$22.50 a year, when an annual criminal background check is done. The state of Illinois does the criminal and child abuse/neglect background checks for free. It is assumed that average amount will not exceed the amount in Kansas.

It is also assumed that of the 3,572 estimated employees, 25 % of the employees will need an out of state background check. Out of state background checks are needed when the employee lives in another state or has moved into Missouri less than five years ago.

It is also assumed that the employer would pay the cost for their employee. The rule does not however require that, and the residential care agency can pass the cost onto the employee.

Title 13—DEPARTMENT OF SOCIAL SERVICES**Division [40] 35—Children's Division***[of Family Services]***Chapter 71—Licensing Rules for Residential Child Care Agencies****PROPOSED AMENDMENT**

13 CSR [40] 35-71.030 Hearings and Judicial Review. The division is amending the title of the chapter and section (1).

PURPOSE: The purpose of this amendment is to enhance child safety by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks and exclude from employment staff who meet specified criteria.

(1) Reasons for License Denial[,] or License Revocation.

(A) The division may refuse to issue a license to an applicant, or may deny or revoke the license of a licensee, who—

1. Fails consistently to comply with the applicable provisions of sections 210.481–210.536, RSMo, and the applicable corresponding rules;

2. Violates any of the provisions of its license;

3. Violates state laws or rules relating to the protection of children;

4. Abuses or neglects children, or is the subject of multiple or serious reports of child abuse or neglect which upon investigation results in a **court adjudicated, probable cause, and/or preponderance of evidence finding [of reason to suspect], or after (effective the date of this amendment) are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure and the agency fails to take corrective action acceptable to the division;**

5. Employs persons who abuse or neglect children, persons who are the subjects of multiple or serious reports of child abuse or neglect which upon investigation results in a **court adjudicated, probable cause, and/or preponderance of evidence finding [of reason to suspect] or after (effective the date of this amendment) are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure and the agency fails to take corrective action acceptable to the division;**

6. Furnishes or makes any misleading or false statements or reports to the division;

7. Refuses to submit any reports or refuses to make available to the division any records required in making an investigation;

8. Fails or refuses to submit to an investigation by an authorized and identified representative of the division at any reasonable time;

9. Fails to provide, maintain, equip, and keep in safe and sanitary condition the premises established or used for the care of children as required by law, rule, or ordinance applicable to the location of a facility; or

10. Fails to provide adequate financial resources for the satisfactory care of children being served, or the upkeep of the premises, or both.

AUTHORITY: section[s] 210.481, 210.491, 210.496, 210.501, 210.511, 210.516 and 210.526, RSMo (1986) and 210.486 and] 210.506, RSMo [(Cum. Supp. 1993)] 2000. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expires Jan. 30, 2009. Amended: Filed July 25, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Children's Division, Paula Neese, Director, PO Box 88, Jefferson City, MO 65103. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES**Division [40] 35—Children's Division***[of Family Services]***Chapter 71—Licensing Rules for Residential Child Care Agencies****PROPOSED AMENDMENT**

13 CSR [40] 35-71.040 Organization and Administration. The division is amending the title of the chapter and adding subsection (2)(P).

PURPOSE: The purpose of this amendment is to enhance child safety by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks and exclude from employment staff who meet specified criteria.

(2) An agency shall have a governing body responsible for establishing its policies, determining its programs, guiding its development, and providing its leadership. Voting members of the board of directors shall not be employed by the agency. The governing body shall be responsible for—

(N) Meeting with division staff when requested; *[and]*

(O) Providing written notification to the division within five (5) working days when there is a change of executive directors, board president, or the organizational structure of the agency[.]; and

(P) Reporting a criminal act of an employee in the performance of employment duties to law enforcement and/or the prosecuting attorney and providing immediate oral report followed by a written report to the division five (5) working days after the occurrence of the criminal act that specifies the agency's corrective action plan.

AUTHORITY: section[s] 210.481, RSMo (1986), and 210.486 and] 210.506, RSMo [(Cum. Supp. 1993)] 2000. Original rule filed Nov. 9, 1978, effective Feb. 11, 1979. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expires Jan. 30, 2009. Amended: Filed July 25, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Children's Division, Paula Neese, Director, PO Box 88, Jefferson City, MO 65103. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division [40] 35—Children's Division
[of Family Services]
Chapter 71—Licensing Rules for Residential Child Care Agencies

PROPOSED AMENDMENT

13 CSR [40] 35-71.045 Personnel. The division is moving the rule; amending the title of the chapter, the purpose, and sections (1) and (4); deleting section (2); and renumbering sections (3)–(7).

PURPOSE: The purpose of this amendment is to enhance child safety by ensuring that licensed residential child care agencies conduct employee criminal and child abuse/neglect background checks and exclude from employment staff who meet specified criteria.

PURPOSE: This rule sets forth the requirements for child abuse/neglect [checks] and criminal background screenings, medical examinations, personnel records, job descriptions, and staff orientation and training.

(1) General Requirements.

(C) The agency shall require that each employee, **student, volunteer, and any contracted personnel who have direct contact with children** to secure and provide to the agency *[a Criminal Records Check from a state or local law enforcement agency]* **an annual child abuse/neglect and criminal background screening utilizing the Family Care Safety Registry from the Department of Health and Senior Services.**

(D) Any employee who resides in another state and works in the state of Missouri, or who has relocated to the state of Missouri within the last five (5) years, shall provide documentation of background screening(s) from those states to include, but not limited to, child abuse/neglect and criminal background screening check(s). When an employee who lived in another state or states within the last five (5) years now resides in the state of Missouri, the documentation of child abuse/neglect and criminal background screenings check(s) from the previous state(s) only needs to be completed upon initial employment. An agency shall exclude from employment (effective the date this rule is filed) staff who are found guilty, plead guilty, or plead no contest to felony crimes against persons as specified in Chapters 565, 566, 567, 568, and 573, RSMo, or the same serious crimes against persons regardless of the state or country in which the crime was committed and/or court adjudicated, probable cause, and/or preponderance of evidence child sexual abuse and/or serious child physical abuse and/or serious neglect. An agency shall also exclude from employment persons who are on the respective Department of Health and Senior Services and/or the Department of Mental Health lists that exclude child or adult care employment and/or licensure.

(E) If an employee is hired with a child abuse/neglect/criminal history that does not otherwise exclude the employee from

employment, the agency administrator/executive director shall document in writing in the employee's file the reason for hiring the employee and how children in residence at the operating site will be protected.

[(D)](F) Prior to the employment of any person for a position requiring credit hours, a degree, or both from an accredited college or university, a resume and an official college transcript, or a copy of the diploma, shall be on file at the agency. **Any person employed in a position requiring general educational development (GED) certificate or high school diploma shall provide documentation of such within thirty (30) days of employment.**

[(E)](G) An agency shall require the names of at least three (3) persons for each staff person, who are unrelated to the staff member, who can provide character references[;].

(H) **An agency shall require [employer] references for each staff person from all previous employers within the last five (5) years and a history of any previous employment in child care settings.**

(I) All references shall be documented by the agency with letters or verification in the record of verbal contacts, providing the date, person making the contact, and the content of the contact.

(J) **The agency shall require an annual driver record check for any staff who transport residents. No staff with a suspended or revoked driver's license or record of driving while under the influence of alcohol or any other intoxicating substance within the last five (5) years shall transport residents.**

[(2) Child Abuse and Neglect Central Registry Unit (CRU) Checks.

(A) *The agency shall request from the division a check of the Child Abuse and Neglect CRU to determine whether a child abuse or neglect report, or both, has been received on staff members and volunteers working directly with children. The CRU checks shall be submitted either at the time of employment or within ten (10) days following employment. Results of the checks shall be on file at the agency.*

(B) *The agency shall require each staff person to read and sign a statement defining child abuse and neglect and outlining responsibilities to report all child abuse and neglect incidents as required by statute.]*

[(3)](2) Medical Examinations.

(A) All persons employed by an agency who work directly with children shall be free of signs of highly communicable disease or other evidence of ill health which poses a threat to children. This shall be verified by a physical examination by a licensed physician, certified nurse practitioner, advanced practice nurse in a collaborative practice agreement with a licensed physician, or a registered nurse who is under the supervision of a licensed physician before employment, or within ten (10) days following employment, and biennially thereafter.

(B) Medical examination reports shall include a tuberculin skin test, a chest X ray, or appropriate follow-up of a previous examination that indicates the individual is free of contagion.

(C) Staff shall be free of any conditions which would adversely affect their ability to care for children or pose a threat to children.

(D) If the division has reason to question the capabilities of any person working directly with children, the division may require additional examinations.

[(4)](3) Personnel Records. Personnel records shall be maintained for each staff member, **as indicated below. [and shall include:]**

(A) **For an employee, the personnel record shall include—**

1. Verification of education and experience[;], and a copy of professional license, if applicable;

[(B)]**2. Verification of the names of three (3) persons, unrelated to the staff member, who can provide character references;**

[(C)]**3. Verification of employer references for the past five (5) years and a history of any previous employment in child care settings;**

[(D)]4. A copy of the job description signed by the employee;
[(E)]5. Reports of initial and [subsequent physical] biennial medical examinations[;] that indicate that they are free from communicable disease, including, but not limited to, tuberculosis and hepatitis;

[(F)]6. Results of annual checks of the [Child Abuse and Neglect CRU;] Family Care Safety Registry;

7. Results of background screenings from other states in which employees have resided and/or have lived or worked within the past five (5) years;

[(G)]8. The date of employment, date of separation, reason(s) for separation;

[(H)]9. Copies of an initial six (6) months' performance evaluation and each subsequent annual evaluation; [and]

[(I)] Results of the Criminal Records Check.]

10. Results of an annual driver record check for any employee, student, volunteer, and any contracted personnel who transports residents;

11. A copy of the signed confidentiality statement;

12. A copy of the signed discipline policy;

13. A copy of the signed mandated child abuse/neglect reporting policy;

14. A copy of a signed acknowledgement of receipt of program and personnel policies;

15. A copy of the signed acknowledgment of completed agency orientation; and

16. Documentation of staff training.

(B) Students, Volunteers, and Contracted Employees who have direct contact with children shall include—

1. Copy of professional credentials (if applicable);

2. Documentation of initial and biennial medical examinations that indicates that they are free from communicable disease including, but not limited to, tuberculosis and hepatitis;

3. Results of annual checks of the Family Care Safety Registry;

4. Results of background screenings from other states in which students/volunteers who have direct contact with children have resided and/or have lived or worked within the past five (5) years;

5. A copy of the contract or any agreement outlining purpose of presence on site;

6. A copy of the signed confidentiality policy;

7. A copy of the signed discipline policy;

8. A copy of the mandated child abuse/neglect reporting policies;

9. A copy of the acknowledgement of receipt of policies related to their agreement/contract; and

10. Documentation of staff orientation participation.

[(F)](4) Job Descriptions. An agency shall establish a written job description for each position, which shall be made available to staff at the time of employment. Each description shall describe the duties and responsibilities of the position; address supervision, required knowledge, skills and abilities, minimum experience, educational requirements; and shall include examples of work performed.

[(F)](5) Staff Orientation. Immediately before or following appointment, a staff member shall be oriented to the agency's programs, practices, and the duties and expectations of his/her position. The orientation program shall include, but not be limited to:

(A) Agency philosophy and history;

(B) Agency policies;

(C) Agency staff roles;

(D) The family's role in the child's care and the worker's role and responsibilities in relation to the family;

(E) Complete description of the agency's program model;

(F) Health and safety procedures, including the use of universal health care precautions;

(G) Crisis intervention procedures;

(H) Record keeping requirements;

(I) Cultural diversity;

(J) Separation and attachment issues;

(K) Confidentiality;

(L) Substance abuse;

(M) Recognition of suicidal tendencies and appropriate intervention;

(N) The procedure for identifying and reporting child abuse or neglect, or both, in accordance with sections 210.110–210.165, RSMo; and

(O) Agency recreation program philosophy, policy, procedures, rules, and expectations.

[(7)](6) Staff Training.

(A) An agency shall establish and submit to the licensing unit an annual written plan for at least forty (40) hours of training each year for the executive director, child care staff, professional staff, and recreation and activity staff. All training must be documented with the dates, location, the subject, and the name of the person(s) who conducted the training. The training may include, but not be limited to, short-term courses, seminars, institutes, workshops, and in-service training provided on-site by qualified professionals.

(B) The training plan shall include, but not be limited to:

1. Developmental needs of children;

2. Child management techniques;

3. Basic group dynamics;

4. Appropriate discipline, crisis intervention, de-escalation techniques, and behavior management techniques;

5. The direct care and professional staff roles in the facility;

6. Interpersonal communication;

7. Proper, safe methods and techniques of restraint;

8. First aid and cardiopulmonary resuscitation (CPR) training; and

9. Suicide prevention.

AUTHORITY: section[s] 210.150 and 210.152, RSMo (Cum. Supp. 1991), 210.481 and 210.511, RSMo (1986) and 210.486 and] 210.506, RSMo [(Cum. Supp. 1993)] 2000. Emergency rule filed Nov. 1, 1993, effective Nov. 12, 1993, expired March 11, 1994. Emergency rule filed March 2, 1994, effective March 12, 1994, expired July 9, 1994. Original rule filed Nov. 1, 1993, effective June 6, 1994. Emergency amendment filed July 25, 2008, effective Aug. 4, 2008, expires Jan. 30, 2009. Amended: Filed July 25, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Children's Division, Paula Neese, Director, PO Box 88, Jefferson City, MO 65103. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability

PROPOSED AMENDMENT

13 CSR 70-3.100 Filing of Claims, MO HealthNet Program. The division is amending sections (2) and (3).

PURPOSE: This amendment updates incorporated by reference material and adds the provision that Medicare/Medicaid crossover claims must be submitted through an electronic media.

(2) Specific claims filing instructions are modified as necessary for efficient and effective administration of the program as required by federal or state law or regulation. Reference the appropriate MO HealthNet provider manual, provider bulletins, and claim filing instructions for specific claim filing instructions information, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website at www.dss.mo.gov/mhd, [February 1,] **September 2, 2008**. This rule does not incorporate any subsequent amendments or additions.

(3) Time Limit for Original Claim Filing. Claims from participating providers that request MO HealthNet reimbursement must be filed by the provider and received by the state agency within twelve (12) months from the date of service. The counting of the twelve (12)-month time limit begins with the date of service and ends with the date of receipt.

(A) Claims that have been initially filed with Medicare within the Medicare timely filing requirement and which require separate filing of an electronic claim with MO HealthNet will meet timely filing requirements by being submitted by the provider and received by the state agency within twelve (12) months of the date of service or six (6) months from the date on the Medicare provider's notice of the allowed claim. Claims denied by Medicare must be filed by the provider and received by the state agency within twelve (12) months from the date of service. The counting of the twelve (12)-month time limit begins with the date of service and ends with the date of receipt. **Medicare/Medicaid crossover claims must be submitted through an electronic media.** Claims that have been initially filed with Medicare and which require separate filing of an electronic claim with MO HealthNet must include the Medicare internal control number or the Medicare claim identification number found on the Medicare provider's notice. **Paper billings for Medicare/Medicaid crossover claims will not be processed. Paper billings (claims) will not be returned to the provider. Paper billings will not be retained by the MO HealthNet Division or its contractors.**

AUTHORITY: sections 208.153 and 208.201, RSMo Supp. 2007. This rule was previously filed as 13 CSR 40-81.071. Original rule filed June 2, 1976, effective Oct. 11, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed July 31, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability**

PROPOSED AMENDMENT

13 CSR 70-3.105 Timely Payment of [Title XIX (Medicaid)] MO HealthNet Claims. The division is amending the rule title, the Purpose statement, and sections (1)–(5).

PURPOSE: This amendment changes the name of the state's medical assistance program to MO HealthNet and revises the name of the program's administering agency to MO HealthNet Division to comply with state law.

PURPOSE: This rule advises [Title XIX Medicaid] MO HealthNet providers of the time frames in which they can expect payment for the service(s) they provide to [Title XIX Program recipients] MO HealthNet participants. This rule implements Section 1902(a)(37) of the federal Social Security Act.

(1) As used in this rule, unless the context clearly indicates otherwise, the following terms shall mean:

(A) Claim A—bill submitted by a provider to the [Division of Medical Services] MO HealthNet Division for [Title XIX (Medicaid)] MO HealthNet reimbursement for a procedure, a set of procedures, or a service rendered a [Medicaid recipient] MO HealthNet participant for a given diagnosis or a set of related diagnoses;

(D) Date of receipt—The date the [Division of Medical Services] MO HealthNet Division receives the claim, as indicated by its date stamp on the claim; and

(2) In accordance with Title 42 of the Code of Federal Regulations part 447 section 45, the [Division of Medical Services] MO HealthNet Division, each fiscal year, will process and pay within thirty (30) days of the date of receipt, ninety percent (90%) of all clean claims from practitioners who are in individual or group practice, or who practice in shared health facilities and nonpractitioners.

(3) The [Division of Medical Services] MO HealthNet Division, each fiscal year, will process and pay within ninety (90) days of the date of receipt, ninety-nine percent (99%) of all clean claims from practitioners who are in individual or group practice, or who practice in shared health facilities and nonpractitioners.

(4) The [Division of Medical Services] MO HealthNet Division must pay all other claims within twelve (12) months of the date of receipt. The time limitation does not apply to—

(5) The [Division of Medical Services] MO HealthNet Division may make payments at any time in accordance with a court order, to carry out hearing decisions or agency corrective actions taken to resolve a dispute, or to extend the benefits of a hearing decision, corrective action, or court order to others in the same situation as those directly affected by it.

AUTHORITY section 208.201, RSMo Supp. [1987] 2007. Original rule filed Dec. 11, 1991, effective June 25, 1992. Amended: Filed July 31, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 6—Emergency Ambulance Program**

PROPOSED AMENDMENT

13 CSR 70-6.010 Emergency Ambulance Program. The division is amending sections (5) and (6).

PURPOSE: *This amendment moves coverage for fixed wing transports to the Emergency Ambulance Program from the Non-Emergency Medical Transportation Program.*

(5) Services Covered and Service Limitations. The MO HealthNet ambulance manual shall provide the detailed listing of procedure codes and pricing information covered by the MO HealthNet ambulance program.

(E) MO HealthNet covers *[emergency]* fixed-wing air ambulance *[only]* when:

1. The weather situation at the time of transport prohibits the use of a rotary wing ambulance; *[and]* or
2. Transportation by ground ambulance or **rotary wing ambulance** is contraindicated; or
3. The patient's medical condition is such that immediate and rapid ambulance transportation is essential and cannot be provided by ground ambulance or **rotary wing ambulance**; or
4. Great distances or other obstacles are involved in getting the patient to the nearest hospital with appropriate facilities; or
5. The patient's medical condition is such that the time needed to transport by land or **rotary wing**, or the instability of transportation by land or **rotary wing ambulance** poses a threat to the patient's survival or seriously endangers the patient's health; or
6. The point of pickup is inaccessible by land vehicle; and
7. All other MO HealthNet requirements for coverage are met.

(6) Services Not Covered.

(B) Air Ambulance. The following services are not covered under the air ambulance program:

1. Air ambulance trip for the patient's personal preference;
2. Patient not transported to the nearest hospital with appropriate facilities;

[3. Transports by fixed-wing aircraft unless the weather at the time of transport prohibits the use of a rotary wing air ambulance in situations where all other air ambulance criteria have been met;]

[4.]3. Ambulance trips ordered by the Veteran's Administration Hospital;

[5.]4. Transport of medical team (or other medical professionals) to meet a patient;

[6.]5. Ground mileage;

[7.]6. Transport to a facility that is not an acute care hospital, such as a nursing facility or physician's office or **dentist's office or independent clinic or independent laboratory or to a patient's home**;

[8.]7. **Transport** *[[if a participant is pronounced dead before the air ambulance is called; or*

[9.]8. Ancillary services and supplies *[are not covered]* when the patient is not transported.

AUTHORITY: *sections 208.152 and 208.201, RSMo Supp. 2007. Original rule filed Feb. 10, 2006, effective Sept. 30, 2006. Amended: Filed Aug. 1, 2006, effective Feb. 28, 2007. Amended: Filed Aug. 23, 2007, effective March 30, 2008. Amended: Filed July 31, 2008.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the Missouri Register. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

**Title 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 5—Intervention Fee**

PROPOSED AMENDMENT

14 CSR 80-5.010-Definitions for Intervention Fee. The board is amending subsections (1)(A), (C), and (D).

PURPOSE: *The amendment clarifies the definitions used in this chapter.*

(1) For the purpose of 14 CSR 80-5:

(A) The term "intervention fee" refers to the monthly fee authorized by section 217.690.3, RSMo, *[and required to be paid by all offenders]* **collected from offenders** under probation, parole, or conditional release supervision *[of the Board of Probation and Parole]* **to be deposited into the inmate fund and used to provide community corrections and intervention services for offenders**;

(C) The term "waiver" means an offender is **temporarily** relieved of an obligation to pay all or part of the intervention fee, **based on the offender's confinement, program involvement, or income**, as authorized by the supervising officer and the district administrator;

(D) "Willful nonpayment" means the offender **knowingly** refuses to *[pay the intervention fee despite having sufficient financial assets to pay the fee]* **make payment and there is evidence that funds have been available to the offender to make the required payments**;

AUTHORITY: *sections 217.040 and 217.755, RSMo 2000 and section 217.690, RSMo Supp. [2005] 2007. Emergency rule filed Oct. 6, 2005, effective Nov. 1, 2005, expired April 29, 2006. Original rule filed Oct. 6, 2005, effective April 30, 2006. Amended: Filed Aug. 1, 2008.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Corrections, State Board of Probation and Parole, Steve Long, Chairman, 1511 Christy Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 5—Intervention Fees**

PROPOSED AMENDMENT

14 CSR 80-5.020 Intervention Fee Procedure. The board is amending subsections (1)(B), (C), (E), (H), and (I) and deleting the forms currently published in the *Code of State Regulations*.

PURPOSE: This amendment revises the method of payment, outlines that the insufficient income criteria is based on the most recent Federal Poverty Guidelines, that the primary collection activity shall be the responsibility of the designated collection agency, and that a Notice of Citation may be used as a method of reporting non-payment. The Request for Waiver of Intervention Fees form and the text referring to that form have been deleted.

(1) The following procedures apply to the collection of an offender intervention fee.

(B) Offenders shall be notified of the intervention fee in the following ways:

1. Offenders assigned to supervision on or after April 30, 2006, shall sign the revised Order of Probation/Parole which includes the **standard** condition requiring payment of the intervention fee; or

2. Offenders under supervision before April 30, 2006, *[shall]* **should** be issued a directive pursuant to Written Directive Condition #8, *[included herein,]* requiring payment of the intervention fee.

(C) Fees will be collected as follows:

1. Offenders shall be provided instructions on payment methods and procedures. Staff shall not accept money in any form from an offender;

2. The intervention fee shall be due on the first day of the first full month following placement under board supervision on probation, parole, or conditional release. The fee shall be due thereafter on the first working day of each month until supervision is terminated;

3. Payments shall be deemed delinquent after the fifteenth day of the month, including the final month of supervision;

4. Pre-printed envelopes, payment vouchers, and payment instructions will be provided to the offender; and

5. Payment instructions to the offender will indicate the following:

A. Payments must be submitted directly to the designated collection authority. Probation and parole staff will not accept payments;

B. Only money orders, *[and]* cashier's checks, or **payment via an approved electronic payment service** will be accepted. Personal checks and cash will not be accepted; and

C. The completed payment voucher shall accompany the payment.

(E) Offenders will be exempted from paying intervention fees under the following circumstances:

1. *[In that offenders in community release centers, residential facilities, and in the Electronic Monitoring Program already pay a daily maintenance or program fee, intervention fees will be exempt in these cases. Intervention fees will start or resume on the first day of the month following release from these facilities or programs.] Offenders released*

to parole or conditional release are exempt for the first ninety (90) days. At the ninety (90)-day mark, the case will be reviewed. Should the offender not meet the criteria for a waiver, intervention fees will be assessed beginning with the first day of the month following the determination that an exemption or waiver is no longer approved; and

2. Pre-trial, drug court, and deferred prosecution cases are exempted from paying the intervention fee.

(H) If an offender is unable to pay because of having insufficient income, fees may be waived in whole or in part. In these cases, the following steps shall be taken:

1. Offenders, whose total verified income is at or below the insufficient income criteria, may be considered for a waiver. Unemployed offenders capable of being gainfully employed are not eligible for a waiver. An offender's income is considered insufficient if it is at or below *[the amount shown in the Insufficient Income Criteria chart included in the Request for Waiver of Intervention Fees, included herein.] the most recent Federal Poverty Guidelines issued by the U.S. Department of Health and Human Services*. Income from all family members in the household is used to calculate whether the waiver is appropriate. If a person lives with his or her family, the combined income of all family members will be used (non-relatives, such as housemates, do not count). For a waiver to be considered, the offender must provide appropriate records to document household income.

2. Once the officer verifies the offender meets one (1) of the waiver criteria above, the officer will complete the Request for Waiver of Intervention Fees *[form]* and submit it to the district administrator for approval.

3. If approved, waivers are valid for a maximum of ninety (90) days. The district administrator shall make the waiver entry into the computer system. If the officer determines the waiver should be renewed beyond that point, a new Request for Waiver of Intervention Fees *[form]* must be submitted for approval. However, at any point the officer determines that the offender is again capable of paying monthly intervention fees, supervisory approval is not necessary to rescind the waiver.

(I) The following process for sanctions regarding nonpayment shall be applied:

1. **The designated collection agency is responsible for collecting payments of the intervention fee;**

[1.]2. [Within ten (10) working days of becoming aware] Upon receiving notification from the designated collection agency that an offender has failed to submit the intervention fee, the supervising officer [shall contact the offender in writing, by phone, or in person to remind them of the payment obligation] will remind the offender of the payment obligation during their next contact;

[2.]3. The supervising officer should direct the offender to specific programs or services that will assist him/her in addressing their inability to pay (i.e., financial management program, employment counseling and/or job seeking classes, substance abuse counseling, mental health counseling, etc.);

[3. The supervising officer shall establish a payment plan, via a written directive, with the offender, to address any arrearage within a reasonable time, given the offender's individual circumstances;]

4. *[Should the offender become three (3) months in arrears on intervention fee payments, either consecutively or in the cumulative, or it is determined the offender is willfully failing to submit the required payments,] When willful non-payment occurs over a period of ninety (90) consecutive days, the supervising officer shall submit a notice of citation or violation report;*

5. Offenders who are not current on their intervention fee payments *[shall]* **may** not be eligible for transfer to minimum supervision, interstate transfer, or early discharge consideration;

6. Sanctions for willful nonpayment of intervention fees include, but are not limited to the following:

A. Written reprimand from district administrator or parole board;

B. Travel restriction;

C. Community service;

D. Increased level of supervision; and

E. Shock detention; *and*

7. Unpaid intervention fees owed by offenders committed to the Division of Adult Institutions (DAI) will be collected from the inmate's account/.; **and**

8. All intervention fees collected by the department will be deposited in the inmate fund established in section 217.430, RSMo, with expenditures occurring as authorized through the state budget appropriation process.

AUTHORITY: sections 217.040 and 217.755, RSMo 2000 and section 217.690, RSMo Supp. [2005] 2007. Emergency rule filed Oct. 6, 2005, effective Nov. 1, 2005, expired April 29, 2006. Original rule filed Oct. 6, 2005, effective April 30, 2006. Amended: Filed Aug. 7, 2006, effective Feb. 28, 2007. Amended: Filed Aug. 1, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Corrections, State Board of Probation and Parole, Steve Long, Chairman, 1511 Christy Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2267—Office of Tattooing, Body Piercing, and
Branding**

Chapter 2—Licensing Requirements

ORDER OF RULEMAKING

By the authority vested in the Office of Tattooing, Body Piercing, and Branding under section 324.522, RSMo Supp. 2007, the board withdraws a rule as follows:

20 CSR 2267-2.020 Fees is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1169-1172). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The board conducted an internal review of the proposed rule. The board determined that incorrect fees for Establishment renewal and Combined establishment renewal were established.

RESPONSE: As a result of this review, the board is withdrawing the proposed rule.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2267—Office of Tattooing, Body Piercing, and
Branding**

Chapter 2—Licensing Requirements

ORDER OF RULEMAKING

By the authority vested in the Office of Tattooing, Body Piercing, and Branding under section 324.522, RSMo Supp. 2007, the board withdraws a rescission as follows:

20 CSR 2267-2.020 Fees is withdrawn.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on June 16, 2008 (33 MoReg 1168-1169). This proposed rescission is withdrawn.

SUMMARY OF COMMENTS: The board conducted an internal review of the proposed rescission. The board determined that incorrect fees for Establishment renewal and Combined establishment renewal were established.

RESPONSE: As a result of this review, the board is withdrawing the proposed rescission.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 15—Cafeteria Plan**

IN ADDITION

1 CSR 10-15.010 Cafeteria Plan

A proposed amendment for this rule was published in the August 15, 2008, issue of the *Missouri Register* (33 MoReg 1548-1555). An error occurred in the amendment when Section 6.01 of Appendix B was inadvertently omitted from the text of the amendment.

Section 6.01 is printed below for clarification.

**ARTICLE SIX
AMENDMENT AND TERMINATION**

6.01 The employer reserves to itself the right to amend this MSED CAP in any manner which it deems to be necessary or desirable and shall amend the MSED CAP in any respect necessary to conform the same to the provisions of the *Internal Revenue Code [of 1986]* or relevant regulations promulgated thereunder, and further reserves the right to terminate the MSED CAP by appropriate action.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
[Division 40—Division of Family Services]
Division 35—Children's Division
Chapter 71—Licensing Rules for Residential Child
Care Agencies**

IN ADDITION

The responsibility for licensing residential care agencies has been transferred from the Division of Family Services to the Children's Division.

[13 CSR 40-71.025] 13 CSR 35-71.025 Exemption of Religious Child Care Facilities

[13 CSR 40-71.035] 13 CSR 35-71.035 Court Review and Dispositional Hearing

[13 CSR 40-71.050] 13 CSR 35-71.050 Staff Qualifications and Requirements

[13 CSR 40-71.060] 13 CSR 35-71.060 Social Services Program

[13 CSR 40-71.070] 13 CSR 35-71.070 Protection and Care of the Child

[13 CSR 40-71.075] 13 CSR 35-71.075 Health Care

[13 CSR 40-71.080] 13 CSR 35-71.080 Buildings, Grounds and Equipment

[13 CSR 40-71.090] 13 CSR 35-71.090 Record Keeping

[13 CSR 40-71.100] 13 CSR 35-71.100 Specific Rules for Basic Care Agencies Providing Care for Infant, Toddler or Preschool Age Children (Birth Through Age Six)

[13 CSR 40-71.110] 13 CSR 35-71.110 Child Care Program

[13 CSR 40-71.120] 13 CSR 35-71.120 Specific Rules for Residential Care Agencies Providing Maternity Care

[13 CSR 40-71.130] 13 CSR 35-71.130 Specialized Standards—Residential Treatment

[13 CSR 40-71.140] 13 CSR 35-71.140 Specialized Standards For Intensive Residential Treatment

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the expedited applications listed below. A decision is tentatively scheduled for September 22, 2008. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

08/11/08

#4250 HS: St. Joseph Medical Center
Kansas City (Jackson County)
\$2,679,711, Replace interventional radiology laboratory

08/11/08

#4249 HS: Research Medical Center
Kansas City (Jackson County)
\$2,177,173, Replace angiography unit

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by September 11, 2008. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**Notice of Corporate Dissolution
To All Creditors of and
Claimants Against
Ogren Co.**

On July 21, 2008, OGREN CO., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on July 21, 2008.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

Ogren Co.
C/o VanOsdol & Magruder, P.C.
911 Main St., Ste. 2400
Kansas City, MO 64105

All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, and the date(s) on which the event(s) on which the claim is based occurred, a brief description of the nature of the debt or the basis for the claim.

NOTICE: Because of the dissolution of OGREN CO., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS AND CLAIMANTS AGAINST BLUE RHHO LLC**

On July 30, 2008, Blue Rhino LLC filed its Articles of Termination and Notice of Winding Up with the Missouri Secretary of State.

Any claims against Blue Rhino LLC must be sent to: Dale R. Moore 91 Concord Plaza, St. Louis, MO 63128. In accordance with the notice of winding up, claims against the LLC must contain the following: name, address and telephone number of the claimant; amount of the claim; basis for the claim; the date on which the claim arose; and documentation of the claim.

Pursuant to § 347.141 R.S. Mo 2008, as amended, all claims against Blue Rhino LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY

To: All creditors of and claimants against SUMMIT TILE CONTRACTORS, L.L.C., a Missouri Limited Liability Company.

On July 11, 2008, SUMMIT TILE CONTRACTORS, L.L.C., a Missouri limited liability company, Charter Number **LC0663871**, filed its notice of winding up with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o Nancy E. Blackwell, Attorney at Law, Chinnery Evans & Nail, P.C., 800 NE Vanderbilt Lane, Lee's Summit, Missouri 64064.

All claims must include the following information:

1. Name and current address of the claimant.
2. The amount claimed.
3. The clear and concise statement of the facts supporting the claim.
4. The date the claim was incurred.

NOTICE: Because of the winding up of SUMMIT TILE CONTRACTORS, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the two notices authorized by statute, whichever is published last.

NOTE: CLAIMS AGAINST SUMMIT TILE CONTRACTORS, L.L.C., WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE PUBLICATION OF THIS NOTICE.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-4.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548		
1 CSR 10-15.010	Commissioner of Administration	33 MoReg 1531	33 MoReg 1548		This Issue
1 CSR 15-1.201	Administrative Hearing Commission		33 MoReg 1391		
1 CSR 15-1.207	Administrative Hearing Commission		33 MoReg 1391		
1 CSR 15-3.320	Administrative Hearing Commission		33 MoReg 1392		
1 CSR 15-3.350	Administrative Hearing Commission		33 MoReg 1392		
1 CSR 15-3.380	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.390	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.431	Administrative Hearing Commission		33 MoReg 1394		
1 CSR 15-3.436	Administrative Hearing Commission		33 MoReg 1395		
1 CSR 15-3.440	Administrative Hearing Commission		33 MoReg 1395R		
1 CSR 15-3.446	Administrative Hearing Commission		33 MoReg 1396		
1 CSR 15-3.490	Administrative Hearing Commission		33 MoReg 1396		
DEPARTMENT OF AGRICULTURE					
2 CSR 30-1.020	Animal Health		33 MoReg 1221		
2 CSR 30-2.040	Animal Health		33 MoReg 717	33 MoReg 1591	
2 CSR 30-10.010	Animal Health		33 MoReg 1397		
2 CSR 30-11.010	Animal Health	33 MoReg 1534			
2 CSR 70-40.015	Plant Industries		33 MoReg 627	33 MoReg 1481	
2 CSR 70-40.017	Plant Industries		33 MoReg 628	33 MoReg 1482	
2 CSR 70-40.025	Plant Industries		33 MoReg 628	33 MoReg 1483	
2 CSR 70-40.040	Plant Industries		33 MoReg 629	33 MoReg 1484	
2 CSR 70-40.055	Plant Industries		33 MoReg 630R	33 MoReg 1484	
2 CSR 90-10	Weight and Measures				33 MoReg 1193
2 CSR 110-2.010	Office of the Director		32 MoReg 1909 33 MoReg 1333		
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		33 MoReg 1073	33 MoReg 1592	
3 CSR 10-5.205	Conservation Commission		33 MoReg 907	33 MoReg 1341	
3 CSR 10-5.220	Conservation Commission		33 MoReg 907	33 MoReg 1341	
3 CSR 10-7.440	Conservation Commission		N.A.	33 MoReg 1593	
3 CSR 10-7.455	Conservation Commission		N.A.	33 MoReg 261	33 MoReg 276
3 CSR 10-12.109	Conservation Commission		33 MoReg 1075	33 MoReg 1593	
3 CSR 10-12.135	Conservation Commission		33 MoReg 1075	33 MoReg 1593	
3 CSR 10-12.140	Conservation Commission		33 MoReg 1076	33 MoReg 1593	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-5.010	Division of Business and Community Services		33 MoReg 1555		
4 CSR 85-5.020	Division of Business and Community Services		33 MoReg 1556		
4 CSR 85-5.030	Division of Business and Community Services		33 MoReg 1556		
4 CSR 240-18.010	Public Service Commission		33 MoReg 1133		
4 CSR 240-20.065	Public Service Commission		33 MoReg 1397		
4 CSR 240-31.010	Public Service Commission	This Issue	This Issue		
4 CSR 240-33.160	Public Service Commission		33 MoReg 522	33 MoReg 1485	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 50-270.010	Division of School Improvement		33 MoReg 436	33 MoReg 1289	
5 CSR 50-340.050	Division of School Improvement		33 MoReg 439	33 MoReg 1289	
5 CSR 80-631.010	Teacher Quality and Urban Education		33 MoReg 1076R		
5 CSR 80-800.200	Teacher Quality and Urban Education		33 MoReg 525	33 MoReg 1493	
5 CSR 80-800.220	Teacher Quality and Urban Education		33 MoReg 526	33 MoReg 1493	
5 CSR 80-800.230	Teacher Quality and Urban Education		33 MoReg 526	33 MoReg 1493	
5 CSR 80-800.260	Teacher Quality and Urban Education		33 MoReg 527	33 MoReg 1493	
5 CSR 80-800.270	Teacher Quality and Urban Education		33 MoReg 527	33 MoReg 1493	
5 CSR 80-800.280	Teacher Quality and Urban Education		33 MoReg 527	33 MoReg 1494	
5 CSR 80-800.285	Teacher Quality and Urban Education		33 MoReg 974		
5 CSR 80-800.350	Teacher Quality and Urban Education		33 MoReg 528	33 MoReg 1494	
5 CSR 80-800.360	Teacher Quality and Urban Education		33 MoReg 528	33 MoReg 1494	
5 CSR 80-800.380	Teacher Quality and Urban Education		33 MoReg 529	33 MoReg 1494	
5 CSR 80-850.045	Teacher Quality and Urban Education		33 MoReg 529R	33 MoReg 1495R	
			33 MoReg 530	33 MoReg 1495	
5 CSR 80-860.050	Teacher Quality and Urban Education		33 MoReg 535	33 MoReg 1290	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-25.010	Missouri Highways and Transportation Commission				33 MoReg 1352 33 MoReg 1504 33 MoReg 1612
7 CSR 10-25.020	Missouri Highways and Transportation Commission	33 MoReg 1535	33 MoReg 1559		
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-4.200	Division of Employment Security		This Issue		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-31.030	Director, Department of Mental Health	33 MoReg 1379	33 MoReg 1407		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.150	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-2.385	Air Conservation Commission		33 MoReg 1573		
10 CSR 10-4.140	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-5.250	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-5.385	Air Conservation Commission		33 MoReg 1574		
10 CSR 10-5.430	Air Conservation Commission		This IssueR		
10 CSR 10-6.020	Air Conservation Commission		33 MoReg 630	33 MoReg 1499	
10 CSR 10-6.070	Air Conservation Commission		33 MoReg 908		
10 CSR 10-6.075	Air Conservation Commission		33 MoReg 909		
10 CSR 10-6.080	Air Conservation Commission		33 MoReg 910		
10 CSR 10-6.110	Air Conservation Commission		33 MoReg 1231		
10 CSR 10-6.220	Air Conservation Commission		33 MoReg 643	33 MoReg 1502	
10 CSR 20-4.010	Clean Water Commission		33 MoReg 198	33 MoReg 1341	
10 CSR 20-6.010	Clean Water Commission		33 MoReg 1134		
10 CSR 20-6.300	Clean Water Commission		33 MoReg 1134		
10 CSR 20-7.031	Clean Water Commission		33 MoReg 205	33 MoReg 1342	
10 CSR 23-1.050	Division of Geology and Land Survey		This Issue		
10 CSR 23-1.060	Division of Geology and Land Survey		This Issue		
10 CSR 23-2.010	Division of Geology and Land Survey		33 MoReg 1408		
10 CSR 70-5.040	Soil and Water Districts Commission		33 MoReg 1334		
10 CSR 70-8.040	Soil and Water Districts Commission		33 MoReg 1335		
10 CSR 140-2	Division of Energy				33 MoReg 1103 33 MoReg 1193
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 40-7.010	Division of Fire Safety	33 MoReg 967	33 MoReg 976		
11 CSR 70-2.020	Division of Alcohol and Tobacco Control		33 MoReg 1335		
11 CSR 75-1.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-2.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-13.010	Peace Officer Standards and Training Program		33 MoReg 1415		
11 CSR 75-13.020	Peace Officer Standards and Training Program		33 MoReg 1416		
11 CSR 75-13.030	Peace Officer Standards and Training Program		33 MoReg 1416		
11 CSR 75-13.040	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.050	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.060	Peace Officer Standards and Training Program		33 MoReg 1417		
11 CSR 75-13.070	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.080	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.090	Peace Officer Standards and Training Program		33 MoReg 1418		
11 CSR 75-13.100	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.010	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.020	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.030	Peace Officer Standards and Training Program		33 MoReg 1419		
11 CSR 75-14.040	Peace Officer Standards and Training Program		33 MoReg 1420		
11 CSR 75-14.050	Peace Officer Standards and Training Program		33 MoReg 1420		
11 CSR 75-14.060	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-14.070	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-14.080	Peace Officer Standards and Training Program		33 MoReg 1421		
11 CSR 75-15.010	Peace Officer Standards and Training Program		33 MoReg 1422		
11 CSR 75-15.020	Peace Officer Standards and Training Program		33 MoReg 1422		
11 CSR 75-15.030	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.040	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.050	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.060	Peace Officer Standards and Training Program		33 MoReg 1423		
11 CSR 75-15.070	Peace Officer Standards and Training Program		33 MoReg 1424		
11 CSR 75-16.010	Peace Officer Standards and Training Program		33 MoReg 1424		
DEPARTMENT OF REVENUE					
12 CSR 10-2.740	Director of Revenue		33 MoReg 1336		
12 CSR 10-26.010	Director of Revenue		33 MoReg 1153		
12 CSR 10-26.040	Director of Revenue		33 MoReg 1157		
12 CSR 10-26.210	Director of Revenue		33 MoReg 1157		
12 CSR 10-26.220	Director of Revenue		33 MoReg 1424		
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 30-4.010	Child Support Enforcement		33 MoReg 1078R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
13 CSR 35-71	Children's Division (<i>Changed from 13 CSR 40-71</i>)				This Issue
13 CSR 35-71.010	Children's Division (<i>Changed from 13 CSR 40-71.010</i>)	This Issue	This Issue		
13 CSR 35-71.020	Children's Division (<i>Changed from 13 CSR 40-71.020</i>)	This Issue	This Issue		
13 CSR 35-71.030	Children's Division (<i>Changed from 13 CSR 40-71.030</i>)	This Issue	This Issue		
13 CSR 35-71.040	Children's Division (<i>Changed from 13 CSR 40-71.040</i>)	This Issue	This Issue		
13 CSR 35-71.045	Children's Division (<i>Changed from 13 CSR 40-71.045</i>)	This Issue	This Issue		
13 CSR 40-71	Family Support Division (<i>Changed to 13 CSR 35-71</i>)				This Issue
13 CSR 40-71.010	Family Support Division (<i>Changed to 13 CSR 35-71.010</i>)	This Issue	This Issue		
13 CSR 40-71.020	Family Support Division (<i>Changed to 13 CSR 35-71.020</i>)	This Issue	This Issue		
13 CSR 40-71.030	Family Support Division (<i>Changed to 13 CSR 35-71.030</i>)	This Issue	This Issue		
13 CSR 40-71.040	Family Support Division (<i>Changed to 13 CSR 35-71.040</i>)	This Issue	This Issue		
13 CSR 40-71.045	Family Support Division (<i>Changed to 13 CSR 35-71.045</i>)	This Issue	This Issue		
13 CSR 70-3.100	MO HealthNet Division		This Issue		
13 CSR 70-3.105	MO HealthNet Division		This Issue		
13 CSR 70-3.170	MO HealthNet Division	33 MoReg 1380	33 MoReg 785	33 MoReg 1503	
13 CSR 70-3.190	Division of Medical Services		33 MoReg 329	33 MoReg 1290	
13 CSR 70-4.080	Division of Medical Services		33 MoReg 542	33 MoReg 1290	
			33 MoReg 1231		
13 CSR 70-4.120	MO HealthNet Division		33 MoReg 440		
13 CSR 70-5.010	MO HealthNet Division		33 MoReg 545	33 MoReg 1291	
13 CSR 70-6.010	MO HealthNet Division		This Issue		
13 CSR 70-10.015	MO HealthNet Division		33 MoReg 1425		
13 CSR 70-10.016	MO HealthNet Division		33 MoReg 1429		
13 CSR 70-10.030	MO HealthNet Division	33 MoReg 1382	33 MoReg 1433		
13 CSR 70-10.080	MO HealthNet Division		33 MoReg 1442		
13 CSR 70-15.010	MO HealthNet Division	33 MoReg 1383	33 MoReg 1444		
13 CSR 70-15.020	MO HealthNet Division		33 MoReg 545	33 MoReg 1291	
13 CSR 70-15.110	MO HealthNet Division	33 MoReg 1384	33 MoReg 1453		
13 CSR 70-26.010	MO HealthNet Division		33 MoReg 1234		
13 CSR 70-30.010	MO HealthNet Division		33 MoReg 1235		
13 CSR 70-45.010	MO HealthNet Division		33 MoReg 789		
13 CSR 70-97.010	MO HealthNet Division		33 MoReg 548	33 MoReg 1291	
13 CSR 70-98.015	MO HealthNet Division		33 MoReg 1235		
DEPARTMENT OF CORRECTIONS					
14 CSR 80-5.010	State Board of Probation and Parole		This Issue		
14 CSR 80-5.020	State Board of Probation and Parole		This Issue		
ELECTED OFFICIALS					
15 CSR 30-51.170	Secretary of State		33 MoReg 910		
15 CSR 30-51.172	Secretary of State		33 MoReg 913		
RETIREMENT SYSTEMS					
16 CSR 20-2.010	Missouri Local Government Employees' Retirement System (LAGERS)		33 MoReg 723	33 MoReg 1349	
16 CSR 20-2.015	Missouri Local Government Employees' Retirement System (LAGERS)		33 MoReg 724	33 MoReg 1349	
BOARDS OF POLICE COMMISSIONERS					
17 CSR 20-2.025	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.035	St. Louis Board of Police Commissioners		33 MoReg 1158		
17 CSR 20-2.065	St. Louis Board of Police Commissioners		33 MoReg 1159		
17 CSR 20-2.075	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		33 MoReg 1160		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		33 MoReg 1161		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		33 MoReg 1162		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		33 MoReg 1162		
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 20-3.060	Division of Community and Public Health				33 MoReg 1613
19 CSR 30-20.125	Division of Regulation and Licensure		33 MoReg 550	33 MoReg 1503	
19 CSR 30-40.308	Division of Regulation and Licensure		33 MoReg 1238		
19 CSR 30-40.331	Division of Regulation and Licensure		33 MoReg 1243		
19 CSR 30-40.342	Division of Regulation and Licensure		33 MoReg 1250		
19 CSR 30-40.410	Division of Regulation and Licensure		33 MoReg 1257		
19 CSR 30-40.420	Division of Regulation and Licensure		33 MoReg 1258		
19 CSR 30-40.430	Division of Regulation and Licensure		33 MoReg 1261		
19 CSR 30-40.528	Division of Regulation and Licensure		33 MoReg 1271		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 30-82.010	Division of Regulation and Licensure		33 MoReg 790		
19 CSR 30-83.010	Division of Regulation and Licensure		33 MoReg 792		
19 CSR 30-84.020	Division of Regulation and Licensure		33 MoReg 793		
19 CSR 30-84.030	Division of Regulation and Licensure		33 MoReg 798		
19 CSR 30-85.022	Division of Regulation and Licensure		33 MoReg 812		
19 CSR 30-85.032	Division of Regulation and Licensure		33 MoReg 817		
19 CSR 30-86.012	Division of Regulation and Licensure		33 MoReg 819		
19 CSR 30-86.022	Division of Regulation and Licensure		33 MoReg 820		
19 CSR 30-86.032	Division of Regulation and Licensure		33 MoReg 827		
19 CSR 30-86.045	Division of Regulation and Licensure		33 MoReg 829		
19 CSR 30-86.047	Division of Regulation and Licensure		33 MoReg 830		
19 CSR 30-88.010	Division of Regulation and Licensure		33 MoReg 836		
19 CSR 60-50	Missouri Health Facilities Review Committee				33 MoReg 1505 33 MoReg 1613 This Issue
19 CSR 73-2.015	Missouri Board of Nursing Home Administrators		33 MoReg 334	33 MoReg 1291	
19 CSR 73-2.020	Missouri Board of Nursing Home Administrators		33 MoReg 338	33 MoReg 1292	
19 CSR 73-2.025	Missouri Board of Nursing Home Administrators		33 MoReg 338	33 MoReg 1292	
19 CSR 73-2.031	Missouri Board of Nursing Home Administrators		33 MoReg 339	33 MoReg 1293	
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators		33 MoReg 339	33 MoReg 1293	
19 CSR 73-2.051	Missouri Board of Nursing Home Administrators		33 MoReg 341	33 MoReg 1294	
19 CSR 73-2.053	Missouri Board of Nursing Home Administrators		33 MoReg 341	33 MoReg 1296	
19 CSR 73-2.055	Missouri Board of Nursing Home Administrators		33 MoReg 342	33 MoReg 1296	
19 CSR 73-2.060	Missouri Board of Nursing Home Administrators		33 MoReg 342	33 MoReg 1296	
19 CSR 73-2.070	Missouri Board of Nursing Home Administrators		33 MoReg 343	33 MoReg 1296	
19 CSR 73-2.080	Missouri Board of Nursing Home Administrators		33 MoReg 343	33 MoReg 1297	
19 CSR 73-2.085	Missouri Board of Nursing Home Administrators		33 MoReg 344	33 MoReg 1297	
19 CSR 73-2.090	Missouri Board of Nursing Home Administrators		33 MoReg 344	33 MoReg 1298	
19 CSR 73-2.120	Missouri Board of Nursing Home Administrators		33 MoReg 345	33 MoReg 1298	
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667 33 MoReg 150
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019 33 MoReg 150
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150
20 CSR 100-7.002	Insurer Conduct		33 MoReg 915		
20 CSR 100-7.005	Insurer Conduct		33 MoReg 916		
20 CSR 100-8.002	Insurer Conduct		33 MoReg 916		
20 CSR 100-8.005	Insurer Conduct		33 MoReg 917		
20 CSR 100-8.008	Insurer Conduct		33 MoReg 918		
20 CSR 100-8.012	Insurer Conduct		33 MoReg 919		
20 CSR 100-8.014	Insurer Conduct		33 MoReg 919		
20 CSR 100-8.015	Insurer Conduct		33 MoReg 920		
20 CSR 100-8.016	Insurer Conduct		33 MoReg 921		
20 CSR 100-8.017	Insurer Conduct		33 MoReg 921		
20 CSR 100-8.018	Insurer Conduct		33 MoReg 922		
20 CSR 100-8.040	Insurer Conduct	33 MoReg 1386	33 MoReg 1456		
20 CSR 200-6.100	Insurance Solvency and Company Regulation		33 MoReg 1163		
20 CSR 200-18.010	Insurance Solvency and Company Regulation		33 MoReg 557	33 MoReg 1593	
20 CSR 200-18.020	Insurance Solvency and Company Regulation		33 MoReg 557	33 MoReg 1594	
20 CSR 200-18.110	Insurance Solvency and Company Regulation		33 MoReg 559	33 MoReg 1594	
20 CSR 200-18.120	Insurance Solvency and Company Regulation		33 MoReg 561	33 MoReg 1594	
20 CSR 300-1.100	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1456R		
20 CSR 300-1.200	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1456R		
20 CSR 300-2.100	Market Conduct Examinations	33 MoReg 1387R	33 MoReg 1457R		
20 CSR 300-2.200	Market Conduct Examinations	33 MoReg 1388R	33 MoReg 1457R		
20 CSR 300-3.100	Market Conduct Examinations		33 MoReg 1457R		
20 CSR 400-1.010	Life, Annuities and Health		33 MoReg 1276		
20 CSR 400-1.050	Life, Annuities and Health		33 MoReg 1276R		
20 CSR 400-1.170	Life, Annuities and Health		33 MoReg 1278		
20 CSR 400-1.175	Life, Annuities and Health		33 MoReg 1281		
20 CSR 400-7.180	Life, Annuities and Health		33 MoReg 1165		
20 CSR 500-7.020	Property and Casualty	33 MoReg 507	33 MoReg 562	33 MoReg 1595	
20 CSR 500-7.030	Property and Casualty	33 MoReg 507	33 MoReg 563	33 MoReg 1597	
20 CSR 500-7.050	Property and Casualty	33 MoReg 508	33 MoReg 563	33 MoReg 1598	
20 CSR 500-7.060	Property and Casualty	33 MoReg 509	33 MoReg 566	33 MoReg 1600	
20 CSR 500-7.070	Property and Casualty	33 MoReg 510	33 MoReg 566	33 MoReg 1601	
20 CSR 500-7.090	Property and Casualty	33 MoReg 510	33 MoReg 567	33 MoReg 1602	
20 CSR 500-7.100	Property and Casualty	33 MoReg 511	33 MoReg 567	33 MoReg 1604	
20 CSR 500-7.130	Property and Casualty	33 MoReg 514	33 MoReg 570	33 MoReg 1605	
20 CSR 500-7.200	Property and Casualty	33 MoReg 515	33 MoReg 571	33 MoReg 1607	
20 CSR 700-1.140	Insurance Licensing		33 MoReg 1167		
20 CSR 700-1.148	Insurance Licensing		33 MoReg 1078		
20 CSR 700-8.005	Insurance Licensing		33 MoReg 575	33 MoReg 1608	
20 CSR 700-8.100	Insurance Licensing	33 MoReg 519	33 MoReg 576	33 MoReg 1608	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 700-8.150	Insurance Licensing	33 MoReg 520	33 MoReg 577	33 MoReg 1609	
20 CSR 700-8.160	Insurance Licensing	33 MoReg 521	33 MoReg 577	33 MoReg 1609	
20 CSR 1100-1.010	Division of Credit Unions		33 MoReg 1081		
20 CSR 1100-2.012	Division of Credit Unions		33 MoReg 1081		
20 CSR 1100-2.030	Division of Credit Unions		33 MoReg 1082		
20 CSR 1100-2.040	Division of Credit Unions		33 MoReg 1082		
20 CSR 1100-2.060	Division of Credit Unions		33 MoReg 1083		
20 CSR 1100-2.130	Division of Credit Unions		33 MoReg 1083		
20 CSR 1100-2.135	Division of Credit Unions		33 MoReg 1084		
20 CSR 1100-2.205	Division of Credit Unions		33 MoReg 1084		
20 CSR 1100-2.230	Division of Credit Unions		33 MoReg 1085		
20 CSR 2010-1.020	Missouri State Board of Accountancy		33 MoReg 1283		
20 CSR 2015-1.020	Acupuncturist Advisory Committee		33 MoReg 1458		
20 CSR 2015-2.010	Acupuncturist Advisory Committee		33 MoReg 1458		
20 CSR 2015-2.020	Acupuncturist Advisory Committee		33 MoReg 1458		
20 CSR 2015-4.010	Acupuncturist Advisory Committee		33 MoReg 1459		
20 CSR 2030-4.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 724R 33 MoReg 725	33 MoReg 1298R 33 MoReg 1299	
20 CSR 2030-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 730	33 MoReg 1299	
20 CSR 2030-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 733	33 MoReg 1299	
20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 733	33 MoReg 1299	
20 CSR 2065-1.030	Endowed Care Cemeteries		33 MoReg 1337		
20 CSR 2145-1.040	Missouri Board of Geologist Registration		33 MoReg 1337		
20 CSR 2150-4.060	State Board of Registration for the Healing Arts		33 MoReg 923	33 MoReg 1609	
20 CSR 2150-4.080	State Board of Registration for the Healing Arts		33 MoReg 926	33 MoReg 1610	
20 CSR 2150-7.137	State Board of Registration for the Healing Arts		33 MoReg 1167		
20 CSR 2150-7.300	State Board of Registration for the Healing Arts		33 MoReg 1285		
20 CSR 2165-1.020	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1459		
20 CSR 2165-1.030	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1464		
20 CSR 2165-2.010	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1464		
20 CSR 2165-2.020	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1465		
20 CSR 2165-2.050	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1465		
20 CSR 2165-2.060	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1465		
20 CSR 2165-3.010	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1466		
20 CSR 2197-1.010	Board of Therapeutic Massage		33 MoReg 1466		
20 CSR 2197-2.010	Board of Therapeutic Massage		33 MoReg 1575		
20 CSR 2197-5.040	Board of Therapeutic Massage		33 MoReg 1467		
20 CSR 2200-4.010	State Board of Nursing		33 MoReg 736 33 MoReg 1467	33 MoReg 1299	
20 CSR 2200-4.020	State Board of Nursing		33 MoReg 739 33 MoReg 1471	33 MoReg 1300	
20 CSR 2200-4.025	State Board of Nursing		33 MoReg 644	33 MoReg 1300	
20 CSR 2200-4.026	State Board of Nursing		33 MoReg 645	33 MoReg 1300	
20 CSR 2200-4.027	State Board of Nursing		33 MoReg 649	33 MoReg 1300	
20 CSR 2200-4.028	State Board of Nursing		33 MoReg 650	33 MoReg 1300	
20 CSR 2200-4.029	State Board of Nursing		33 MoReg 650	33 MoReg 1300	
20 CSR 2200-4.030	State Board of Nursing		33 MoReg 1285		
20 CSR 2200-4.040	State Board of Nursing		33 MoReg 1286		
20 CSR 2200-4.100	State Board of Nursing		33 MoReg 1474		
20 CSR 2200-4.200	State Board of Nursing		33 MoReg 1474		
20 CSR 2200-6.020	State Board of Nursing		33 MoReg 1475		
20 CSR 2200-6.060	State Board of Nursing		33 MoReg 1475		
20 CSR 2205-1.010	Missouri Board of Occupational Therapy		33 MoReg 1338		
20 CSR 2205-1.050	Missouri Board of Occupational Therapy		33 MoReg 1579		
20 CSR 2205-5.010	Missouri Board of Occupational Therapy		33 MoReg 1582		
20 CSR 2210-2.011	State Board of Optometry		33 MoReg 1168		
20 CSR 2210-2.080	State Board of Optometry		33 MoReg 1085		
20 CSR 2220-2.010	State Board of Pharmacy		33 MoReg 651	33 MoReg 1349	
20 CSR 2220-2.030	State Board of Pharmacy		33 MoReg 655	33 MoReg 1350	
20 CSR 2220-2.036	State Board of Pharmacy		33 MoReg 658	33 MoReg 1350	
20 CSR 2220-2.120	State Board of Pharmacy		33 MoReg 658	33 MoReg 1350	
20 CSR 2220-2.200	State Board of Pharmacy		33 MoReg 659	33 MoReg 1350	
20 CSR 2220-2.450	State Board of Pharmacy		33 MoReg 667	33 MoReg 1350	
20 CSR 2220-3.040	State Board of Pharmacy		33 MoReg 671	33 MoReg 1351	
20 CSR 2220-4.010	State Board of Pharmacy		33 MoReg 671	33 MoReg 1301	
20 CSR 2220-5.030	State Board of Pharmacy		33 MoReg 677	33 MoReg 1351	
20 CSR 2220-5.070	State Board of Pharmacy		33 MoReg 677	33 MoReg 1351	
20 CSR 2220-6.040	State Board of Pharmacy	33 MoReg 1069	33 MoReg 1086		
20 CSR 2230-1.030	State Board of Podiatric Medicine		33 MoReg 1585		
20 CSR 2232-1.020	Missouri State Committee of Interpreters		33 MoReg 1287		
20 CSR 2232-2.010	Missouri State Committee of Interpreters		33 MoReg 1287		
20 CSR 2232-2.020	Missouri State Committee of Interpreters		33 MoReg 1287		
20 CSR 2232-2.030	Missouri State Committee of Interpreters		33 MoReg 1288		
20 CSR 2232-3.020	Missouri State Committee of Interpreters		33 MoReg 1288		
20 CSR 2233-1.020	State Committee of Marital and Family Therapists		33 MoReg 1476		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2233-3.010	State Committee of Marital and Family Therapists		33 MoReg 1476		
20 CSR 2235-1.025	State Committee of Psychologists		33 MoReg 1585		
20 CSR 2235-1.026	State Committee of Psychologists		33 MoReg 1585		
20 CSR 2235-2.005	State Committee of Psychologists		33 MoReg 1586		
20 CSR 2235-2.030	State Committee of Psychologists		33 MoReg 1586R		
20 CSR 2235-2.050	State Committee of Psychologists		33 MoReg 1586		
20 CSR 2235-3.020	State Committee of Psychologists		33 MoReg 1587		
20 CSR 2235-7.005	State Committee of Psychologists		33 MoReg 1588		
20 CSR 2235-7.010	State Committee of Psychologists		33 MoReg 1588		
20 CSR 2235-7.020	State Committee of Psychologists		33 MoReg 1589		
20 CSR 2235-7.030	State Committee of Psychologists		33 MoReg 1589		
20 CSR 2245-3.005	Real Estate Appraisers		33 MoReg 1476		
20 CSR 2245-3.010	Real Estate Appraisers		33 MoReg 927	33 MoReg 1610	
20 CSR 2245-6.040	Real Estate Appraisers		33 MoReg 927	33 MoReg 1610	
20 CSR 2245-8.010	Real Estate Appraisers		33 MoReg 928	33 MoReg 1610	
20 CSR 2245-8.030	Real Estate Appraisers		33 MoReg 928	33 MoReg 1610	
20 CSR 2255-2.060	Missouri Board for Respiratory Care		33 MoReg 1338		
20 CSR 2267-1.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339		
20 CSR 2267-2.010	Office of Tattooing, Body Piercing, and Branding		33 MoReg 985		
20 CSR 2267-2.020	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1168R	This IssueW	
			33 MoReg 1169	This IssueW	
20 CSR 2267-2.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339		
20 CSR 2267-5.010	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1339		
20 CSR 2267-5.030	Office of Tattooing, Body Piercing, and Branding		33 MoReg 1340		
20 CSR 2270-1.040	Missouri Veterinary Medical Board		33 MoReg 1477		
20 CSR 2270-1.050	Missouri Veterinary Medical Board		33 MoReg 1477		
20 CSR 2270-1.060	Missouri Veterinary Medical Board		33 MoReg 1478		
20 CSR 2270-2.021	Missouri Veterinary Medical Board		33 MoReg 1590		
20 CSR 2270-2.051	Missouri Veterinary Medical Board		33 MoReg 1478		
20 CSR 2270-2.060	Missouri Veterinary Medical Board		33 MoReg 1479		
20 CSR 2270-3.030	Missouri Veterinary Medical Board		33 MoReg 1479		
20 CSR 2270-4.031	Missouri Veterinary Medical Board		33 MoReg 929	33 MoReg 1611	
20 CSR 2270-4.041	Missouri Veterinary Medical Board		33 MoReg 929	33 MoReg 1611	
20 CSR 2270-4.050	Missouri Veterinary Medical Board		33 MoReg 1590		
20 CSR 2270-5.021	Missouri Veterinary Medical Board		33 MoReg 1480		
20 CSR 2270-5.041	Missouri Veterinary Medical Board		33 MoReg 1480		

Agency	Publication	Effective	Expiration
Office of Administration			
Commissioner of Administration			
1 CSR 10-4.010	State of Missouri Vendor Payroll Deductions	33 MoReg 1531	July 24, 2008Dec. 31, 2008
1 CSR 10-15.010	Cafeteria Plan	33 MoReg 1531	July 24, 2008Dec. 31, 2008
Department of Agriculture			
Animal Health			
2 CSR 30-11.010	Large Animal Veterinary Student Loan Program	33 MoReg 1534	July 24, 2008Feb. 26, 2009
Plant Industries			
2 CSR 70-11.050	Emerald Ash Borer Intrastate Quarantine	Oct. 1, 2008 Issue	Aug. 28, 2008Feb. 26, 2009
Department of Economic Development			
Public Service Commission			
4 CSR 240-31.010	Definitions	This Issue	Aug. 1, 2008Jan. 29, 2009
Department of Transportation			
Missouri Highways and Transportation Commission			
7 CSR 10-25.020	Overdimension and Overweight Permits	33 MoReg 1535	Sept. 2, 2008Feb. 28, 2009
Department of Mental Health			
Director, Department of Mental Health			
9 CSR 10-31.030	Intermediate Care Facility for the Mentally Retarded Federal Reimbursement Allowance	33 MoReg 1379	July 11, 2008Dec. 28, 2008
Department of Public Safety			
Division of Fire Safety			
11 CSR 40-7.010	Blasting-Licensing, Registration, Notification, Requirements, and Penalties	33 MoReg 967	July 1, 2008Jan. 1, 2009
Department of Social Services			
Children's Division			
13 CSR 35-71.010	Definitions	This Issue	Aug. 4, 2008Jan. 30, 2009
13 CSR 35-71.020	Basic Residential Child Care Core Requirements (Applicable to All Agencies)-Basis for Licensure and Licensing Procedures	This Issue	Aug. 4, 2008Jan. 30, 2009
13 CSR 35-71.030	Hearings and Judicial Review	This Issue	Aug. 4, 2008Jan. 30, 2009
13 CSR 35-71.040	Organization and Administration	This Issue	Aug. 4, 2008Jan. 30, 2009
13 CSR 35-71.045	Personnel	This Issue	Aug. 4, 2008Jan. 30, 2009
MO HealthNet Division			
13 CSR 70-3.170	Medicaid Managed Care Organization Reimbursement Allowance	33 MoReg 1380	July 1, 2008Dec. 28, 2008
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services	33 MoReg 1382	July 1, 2008Dec. 28, 2008
13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology	33 MoReg 1383	July 1, 2008Dec. 28, 2008
13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	33 MoReg 1384	July 1, 2008Dec. 28, 2008
Department of Insurance, Financial Institutions and Professional Registration			
Insurer Conduct			
20 CSR 100-8.040	Insurer Record Retention	33 MoReg 1386	July 30, 2008Feb. 26, 2009
Market Conduct Examinations			
20 CSR 300-1.100	Unfair Claims Settlement Rates	33 MoReg 1387	July 30, 2008Feb. 26, 2009
20 CSR 300-1.200	Fraudulent or Bad Faith Conduct Rules	33 MoReg 1387	July 30, 2008Feb. 26, 2009
20 CSR 300-2.100	File and Record Documentation for Claims	33 MoReg 1387	July 30, 2008Feb. 26, 2009
20 CSR 300-2.200	Records Required for Purposes of Market Conduct Examinations	33 MoReg 1388	July 30, 2008Feb. 26, 2009
State Board of Pharmacy			
20 CSR 2220-6.040	Administration by Medical Prescription Order	33 MoReg 1069	May 11, 2008Feb. 18, 2009

Executive Orders

Executive Orders	Subject Matter	Filed Date	Publication
2008			
08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
08-19	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	June 11, 2008	33 MoReg 1329
08-20	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	33 MoReg 1331
08-21	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	33 MoReg 1389
08-22	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	33 MoReg 1543
08-23	Extends the declaration of emergency contained in Executive Order 08-21	July 11, 2008	33 MoReg 1545
08-24	Extends the declaration of emergency contained in Executive Order 08-20 and the terms of Executive Order 08-19	July 11, 2008	33 MoReg 1546
08-25	Extends the order contained in Executive Orders 08-21 and 08-23	July 28, 2008	This Issue
2007			
07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299

**Executive
Orders**

	Subject Matter	Filed Date	Publication
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	32 MoReg 839
07-16	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	32 MoReg 965
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	32 MoReg 967
07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	32 MoReg 1389
07-22	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	32 MoReg 1391
07-23	Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	32 MoReg 1393
07-24	Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	32 MoReg 1394
07-25	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated	August 24, 2007	32 MoReg 1902
07-26	Creates a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs	August 30, 2007	32 MoReg 1904

**Executive
Orders**

Subject Matter

Filed Date

Publication

07-27	Declares a drought alert for the counties of Bolinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne	September 7, 2007	32 MoReg 2035
07-28	The Executive Order denoted 05-16 is hereby rescinded	September 10, 2007	32 MoReg 2037
07-29	Amends the membership and the duties of the Governor's Advisory Council on Aging	September 17, 2007	32 MoReg 2038
07-30	Lists members of staff having supervisory authority over departments, divisions or agencies	September 13, 2007	32 MoReg 2041
07-31	Creates the Rural High-Speed Internet Access Task Force to deal with the lack of high-speed Internet access in rural Missouri communities	October 10, 2007	32 MoReg 2217
07-32	Declares that state offices will be closed on Friday, November 23, 2007	October 23, 2007	32 MoReg 2339
07-33	Declares that state offices will be closed on Monday December 24, 2007	December 4, 2007	33 MoReg 185
07-34	Declares a state of emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on December 8, 2007	December 9, 2007	33 MoReg 186
07-35	Activates the state militia in response to the aftermath of severe storms that began on December 8, 2007	December 9, 2007	33 MoReg 188
07-36	Gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of severe weather that began on December 8, 2007	December 10, 2007	33 MoReg 190
Emergency Declaration	Declares an emergency concerning damage to and danger of the Jefferson Street Overpass, also known as State Bridge No. A1308, in Jefferson City and directs the Emergency Declaration to continue until the overpass has been removed and replaced	December 10, 2007	33 MoReg 192
07-37	Designates members of staff with supervisory authority over selected state agencies	December 26, 2007	33 MoReg 317
07-38	Extends Executive Order 07-01 through January 1, 2009	December 29, 2007	33 MoReg 319
07-39	Extends Executive Orders 07-34 and 07-36 through February 15, 2008	December 28, 2007	33 MoReg 321

The rule number and the MoReg publication date follow each entry to this index.

ACCOUNTANCY, MISSOURI STATE BOARD OF

board compensation; 20 CSR 2010-1.020; 7/1/08

ACUPUNCTURIST ADVISORY COMMITTEE

acupuncturist credentials, name, and address changes; 20 CSR 2015-1.020; 8/1/08

application for licensure; 20 CSR 2015-2.010; 8/1/08

license renewal, restoration, and continuing education; 20 CSR 2015-2.020; 8/1/08

supervision of auricular detox technicians; 20 CSR 2015-4.010; 8/1/08

ADMINISTRATION, OFFICE OF

administrative hearing commission

answers and other responsive pleadings; 1 CSR 15-3.380; 8/1/08

complaints; 1 CSR 15-3.350; 8/1/08

decision on the complaint without a hearing; 1 CSR 15-3.446; 8/1/08

disposing of a case without a hearing on the complaint; 1 CSR 15-3.440; 8/1/08

hearings on complaints; default; 1 CSR 15-3.490; 8/1/08

information, submissions, or requests; 1 CSR 15-1.207; 8/1/08

intervention; 1 CSR 15-3.390; 8/1/08

involuntary dismissal; 1 CSR 15-3.436; 8/1/08

organization; 1 CSR 15-1.201; 8/1/08

stay of action under review; 1 CSR 15-3.320; 8/1/08

voluntary dismissal, settlement, and consent orders; 1 CSR 15-3.431; 8/1/08

commissioner of administration

cafeteria plan; 1 CSR 10-15.010; 8/15/08

state of Missouri vendor payroll deductions; 1 CSR 10-4.010; 8/15/08

AGRICULTURE

animal health

inspection of meat and poultry; 2 CSR 30-10.010; 8/1/08

laboratory services and fees; 2 CSR 30-1.020; 7/1/08

large animal veterinary student loan program; 2 CSR 30-11.010; 8/15/08

requirements of exhibition; 2 CSR 30-2.040; 4/1/08, 8/15/08

plant industries

sale or distribution of wood products similar in appearance to treated timber—identification—penalties; 2 CSR 70-040.055; 3/17/08, 8/1/08

treated timber

branding; 2 CSR 70-40.040; 3/17/08, 8/1/08

preservatives required to be registered pesticides; 2 CSR 70-40.017; 3/17/08, 8/1/08

standards for

inspection, sampling, and analyses; 2 CSR 70-40.025; 3/17/08, 8/1/08

treated timber; 2 CSR 70-40.015; 3/17/08, 8/1/08

office of the director

Missouri qualified biodiesel producer incentive program

description of general organization; definitions; requirements of eligibility, licensing, application for grants; procedures for grant disbursements; record keeping requirements; and verification procedures for the Missouri qualified biodiesel producer incentive program; 2 CSR 110-2.010; 7/15/08

AIR QUALITY, AIR POLLUTION CONTROL

control of emissions from the surface coating of chrome-plated and resist plastic parts; 10 CSR 10-5.430; 9/2/08

control of heavy duty diesel vehicle idling emissions

Kansas City metropolitan area; 10 CSR 10-2.385; 8/15/08

St. Louis metropolitan area; 10 CSR 10-5.385; 8/15/08

definitions and common reference tables; 10 CSR 10-6.020; 3/17/08, 8/1/08

emissions

restriction of emission of visible air contaminants; 10 CSR 10-6.220; 3/17/08, 8/1/08

standards for hazardous air pollutants; 10 CSR 10-6.080; 5/1/08

maximum achievable control technology regulations; 10 CSR 10-6.075; 5/1/08

new source performance regulations; 10 CSR 10-6.070; 5/1/08

submission of emission data, emission fees, and process information; 10 CSR 10-6.110; 7/1/08

time schedule for compliance

Kansas City Metropolitan Area; 10 CSR 10-2.150; 6/2/08

Springfield-Greene County; 10 CSR 10-4.140; 6/2/08

St. Louis Metropolitan Area; 10 CSR 10-5.250; 6/2/08

ALCOHOL AND TOBACCO CONTROL

application for license; 11 CSR 70-2.020; 7/15/08

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, AND LANDSCAPE ARCHITECTS

application for certificate of authority; 20 CSR 2030-10.010; 4/1/08, 7/1/08

criteria to file application under 327.391 and 327.392, RSMo; 20 CSR 2030-4.050; 4/1/08, 7/1/08

engineers

continuing professional competency; 20 CSR 2030-11.015; 4/1/08, 7/1/08

land surveying

professional development units; 20 CSR 2030-8.020; 4/1/08, 7/1/08

BIODIESEL PRODUCER INCENTIVE PROGRAM

Missouri qualified; 2 CSR 110-2.010; 10/1/07

CERTIFICATE OF NEED PROGRAM

application review schedule; 19 CSR 60-50; 5/1/08, 6/16/08, 7/1/08, 8/1/08, 8/15/08, 9/2/08

CHILD SUPPORT ENFORCEMENT

interstate income withholding procedure; 13 CSR 30-4.010; 6/2/08

CLEAN WATER COMMISSION

concentrated animal feeding operations; 10 CSR 20-6.300; 6/16/08

construction and operating permits; 10 CSR 20-6.010; 6/16/08

construction grant priority system; 10 CSR 20-4.010; 1/16/08, 7/15/08

water quality standards; 10 CSR 20-7.031; 1/16/08, 7/15/08

CONSERVATION COMMISSION

closed hours; 3 CSR 10-12.109; 6/2/08, 8/15/08

fishing

daily and possession limits; 3 CSR 10-12.140; 6/2/08, 8/15/08

methods; 3 CSR 10-12.135; 6/2/08, 8/15/08

organization and methods of operations; 3 CSR 10-1.010; 6/2/08

migratory game birds and waterfowl: seasons, limits; 3 CSR 10-7.440; 8/15/08
permits

required; exceptions; 3 CSR 10-5.205; 5/1/08, 7/15/08
resident and nonresident; 3 CSR 10-5.220; 5/1/08, 7/15/08

CREDIT UNIONS, DIVISION OF

general organization; 20 CSR 1100-1.010; 6/2/08
state-chartered

accuracy of advertising and use of credit union name; 20 CSR 1100-2.012; 6/2/08

credit union investments

other; 20 CSR 1100-2.135; 6/2/08

United States government securities and obligations; 20 CSR 1100-2.130; 6/2/08

delinquent loan and extension agreements reporting procedure; 20 CSR 1100-2.060; 6/2/08

deposit and securing of public funds; 20 CSR 1100-2.205; 6/2/08

loans; 20 CSR 1100-2.040; 6/2/08

security program, report of crime and catastrophic act, and bank secrecy act compliance: federal insurance requirements; 20 CSR 1100-2.230; 6/2/08

surety bond requirement; 20 CSR 1100-2.030; 6/2/08

DEALER LICENSURE

bona fide established place of business; 12 CSR 10-26.010; 6/16/08
dealer disciplinary hearings; 12 CSR 10-26.220; 8/1/08

dealer seminar certification requirements; 12 CSR 10-26.210; 6/16/08

fees; 12 CSR 10-26.040; 6/16/08

ECONOMIC DEVELOPMENT

historic preservation tax credit program

final application; 4 CSR 85-5.030; 8/15/08

overview and definitions; 4 CSR 85-5.010; 8/15/08

preliminary application; 4 CSR 85-5.020; 8/15/08

ELEMENTARY AND SECONDARY EDUCATION

educator certification

application for an adult education and literacy certificate of license to teach; 5 CSR 80-800.280; 3/3/08, 8/1/08

application for a career education certificate of license to teach; 5 CSR 80-800.270; 3/3/08, 8/1/08

application for certificate of license to teach; 5 CSR 80-800.200; 3/3/08, 8/1/08

for administrators; 5 CSR 80-800.220; 3/3/08, 8/1/08

application for a student services certificate of license to teach; 5 CSR 80-800.230; 3/3/08, 8/1/08

certificate of license to teach classifications; 5 CSR 80-800.360; 3/3/08, 8/1/08

certificate of license to teach content areas; 5 CSR 80-800.350; 3/3/08, 8/1/08

certificate of license to teach on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE); 5 CSR 80-800.285; 5/15/08

required assessments for professional education certification in Missouri; 5 CSR 80-800.380; 3/3/08, 8/1/08

temporary authorization certificate of license to teach; 5 CSR 80-800.260; 3/3/08, 8/1/08

general provisions governing programs authorized by the Early Childhood Development Act; 5 CSR 270.010; 2/15/08, 7/1/08

policies and standards

summer school programs; 5 CSR 50-340.050; 2/15/08, 7/1/08

professional development

mentoring program standards; 5 CSR 80-850.045; 3/3/08, 8/1/08

scholarships and financial aid

urban flight and rural needs scholarship program; 5 CSR 80-860.050; 3/3/08, 7/1/08

teacher quality and urban education

administrator assessment center; 5 CSR 80-631.010; 6/2/08

ENDOWED CARE CEMETERIES

definitions; 20 CSR 2065-1.030; 7/15/08

EXECUTIVE ORDERS

calls organized militia into active service; 08-19; 7/15/08

declares a state of emergency exists in the state of Missouri; 08-20; 7/15/08

designates staff having supervisory authority over departments; 08-22; 8/15/08

extends declaration of emergency in Executive Order 08-14 and the terms of Executive Order 08-15; 08-17; 6/2/08

extends declaration of emergency in Executive Order 08-20 and the terms of Executive Order 08-19; 08-24; 08/15/08

extends order contained in Executive Order 08-21; 08-23; 8/15/08

gives Department of Natural Resources authority to suspend regulations in aftermath of severe weather; 08-18; 6/16/08

extends order contained in Executive Orders 08-21 and 08-23; 08-25; 9/2/08

FIRE SAFETY, DIVISION OF

blasting; 11 CSR 45-7.010; 5/15/08

FUEL STANDARD, MISSOURI RENEWABLE

organization, definitions; 2 CSR 110-3.010; 2/1/08

quality standards; 2 CSR 90-30.040; 2/15/08

GEOLOGIST REGISTRATION, MISSOURI BOARD OF

fees; 20 CSR 2145-1.040; 7/15/08

GEOLOGY AND LAND SURVEY, DIVISION OF

application for a permit; 10 CSR 23-1.060; 9/2/08

fee structure; 10 CSR 23-2.010; 8/1/08

qualifications; 10 CSR 23-1.050; 9/2/08

HEALING ARTS, STATE BOARD OF

physician assistant

waiver renewal; 20 CSR 2150-7.137; 6/16/08

speech language pathologists and audiologists

ethical standards; 20 CSR 2150-4.080; 5/1/08, 8/15/08

fees; 20 CSR 2150-4.060; 5/1/08, 8/15/08

HEARING INSTRUMENT SPECIALISTS, BOARD OF EXAMINERS FOR

continuing education requirements; 20 CSR 2165-2.050; 8/1/08

custodian of public records; 20 CSR 2165-1.030; 8/1/08

fees; 20 CSR 2165-1.020; 8/1/08

general obligation of the licensee; 20 CSR 2165-3.010; 8/1/08

hearing instrument specialist in training (temporary permits); 20 CSR 2165-2.010; 8/1/08

license renewal; 20 CSR 2165-2.060; 8/1/08

supervisors; 20 CSR 2165-2.020; 8/1/08

HEALTH AND SENIOR SERVICES, DEPARTMENT OF

environmental health and communicable disease prevention

minimum construction standards for on-site sewage disposal systems; 19 CSR 20-3.060; 8/15/08

regulation and licensure

air ambulance services

application and licensure requirement standards for licensure and relicensure of air ambulance services; 19 CSR 30-40.308; 7/1/08

definition of terms; 19 CSR 30-83.010; 4/15/08

comprehensive emergency medical services systems regulations

application and accreditation or certification requirements for training entities that conduct training for

first responders, emergency medical dispatchers, and emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedics; 19 CSR 30-40.331; 7/1/08

application and licensure requirements for the initial licensure and relicensure of emergency medical technicians-basic, emergency medical techni-

- cians-intermediate, emergency medical technicians-paramedics; 19 CSR 30-40.342; 7/1/08
- application and licensure requirement standards for licensure and relicensure of air ambulance services; 19 CSR 30-40.308; 7/1/08
- application and licensure requirements; standards for the licensure and relicensure of stretcher van services; 19 CSR 30-40.528; 7/1/08
- definitions and abbreviations relating to trauma centers; 19 CSR 30-40.410; 7/1/08
- standards for trauma center designation; 19 CSR 30-40.340; 7/1/08
- trauma center designation requirements; 19 CSR 30-40.420; 7/1/08
- general licensure requirements; 19 CSR 30-82.010; 4/15/08
- intermediate care and skilled nursing facility
 - fire safety standards; 19 CSR 30-85.022; 4/15/08
 - physical plant requirements; 19 CSR 30-85.032; 4/15/08
- resident rights; 19 CSR 30-88.010; 4/15/08
- residential care facilities and assisted living facilities
 - administrative, personnel, and resident care requirements for assisted living facilities; 19 CSR 30-86.047; 4/15/08
 - construction standards; 19 CSR 30-86.012; 4/15/08
 - fire safety standards; 19 CSR 30-86.022; 4/15/08
 - physical plant requirements; 19 CSR 30-86.032; 4/15/08
 - standards and requirements for assisted living facilities which provide services to residents with a physical, cognitive, or other impairment that prevents the individual from safely evacuating the facility with minimal assistance; 19 CSR 30-86.045; 4/15/08
- training program for nursing assistants
 - certified medication technician training program; 19 CSR 30-84.020; 4/15/08
 - level I medication aide; 19 CSR 30-84.030; 4/15/08

HIGHWAYS AND TRANSPORTATION COMMISSION

- motor carrier operations
 - overdimension and overweight permits; 7 CSR 10-25.020; 8/15/08
- skill performance evaluation certificates for commercial drivers; 7 CSR 10-25.010; 5/1/08, 5/15/08, 7/15/08, 8/1/08, 8/15/08

HOSPITALS

- unlicensed assistive personnel; 19 CSR 30-20.125; 3/3/08

INSURANCE

- insurance licensing
 - applications for license; 20 CSR 700-8.100; 3/3/08, 8/15/08
 - continuing education; 20 CSR 700-8.160; 3/3/08, 8/15/08
 - examination requirements; 20 CSR 700-8.150; 3/3/08, 8/15/08
 - scope and definitions; 20 CSR 700-8.005; 3/3/08, 8/15/08
- insurance solvency and company regulation
 - service contracts
 - faithful performance of a motor vehicle extended service contract provider's obligations; 20 CSR 200-18.020; 3/3/08, 8/15/08
 - faithful performance of a motor vehicle extended service contract provider's obligations (non-motor vehicle); 20 CSR 200-18.110; 3/3/08, 8/15/08
 - registration of motor vehicle extended service contract providers; 20 CSR 200-18.010; 3/3/08, 8/15/08
 - registration of motor vehicle extended service contract providers (non-motor vehicle); 20 CSR 200-18.120; 3/3/08, 8/15/08
- surplus lines
 - surplus lines insurance forms; 20 CSR 200-6.100; 6/16/08
- insurer conduct
 - market conduct
 - analysis
 - scope and definitions; 20 CSR 100-7.002; 5/1/08

- uniform analysis and continuum of actions; 20 CSR 100-7.005; 5/1/08

examinations

- collaborative actions; 20 CSR 100-8.014; 5/1/08
- contract examiners; 20 CSR 100-8.017; 5/1/08
- examination procedures; 20 CSR 100-8.016; 5/1/08
- examination warrants; 20 CSR 100-8.005; 5/1/08
- hearing on warrant; 20 CSR 100-8.008; 5/1/08
- notice of examination; 20 CSR 100-8.015; 5/1/08
- post-examination procedure; 20 CSR 100-8.018; 5/1/08
- scope and definitions; 20 CSR 100-8.002; 5/1/08
- timing of examinations; 20 CSR 100-8.012; 5/1/08

licensing

producers

- reasonable supervision in annuity sales; 20 CSR 700-1.148; 6/2/08

life, annuities, and health

life insurance and annuity standards

- minimum standards for determining reserve liabilities and nonforfeiture values for life insurance sold with a preneed contract; 20 CSR 400-1.175; 7/1/08
- policy approval criteria for life insurance and annuity contracts; 20 CSR 400-1.010; 7/1/08
- recognition of preferred mortality tables in determining minimum reserve liabilities and nonforfeiture benefits; 20 CSR 400-1.170; 7/1/08
- suicide no defense to payment; 20 CSR 400-1.050; 7/1/08

long-term care

- standard form to establish credentials; 20 CSR 400-7.180; 6/16/08

market conduct examinations

- file and record documentation for claims; 20 CSR 300-2.100; 8/1/08
- fraudulent or bad faith conduct rules; 20 CSR 300-1.200; 8/1/08
- primary coverage for replacement vehicles; 20 CSR 300-3.100; 8/1/08
- records required for purposes of market conduct examinations; 20 CSR 300-2.200; 8/1/08
- unfair claims settlement rates; 20 CSR 300-1.100; 8/1/08

medical malpractice

- award; 20 CSR; 3/15/07
- statistical data reporting; 20 CSR 600-1.030; 7/2/07

property and casualty

- affiliated business arrangements; 20 CSR 500-7.070; 3/3/08, 8/15/08
- disclosure of coverage limitation; 20 CSR 500-7.060; 3/3/08, 8/15/08
- disclosure of premiums and charges; 20 CSR 500-7.050; 3/3/08, 8/15/08
- general instructions; 20 CSR 500-7.030; 3/3/08, 8/15/08
- insurance and closing protection form filings; 20 CSR 500-7.130; 3/3/08, 8/15/08
- rate schedules; 20 CSR 500-7.100; 3/3/08, 8/15/08
- scope and definitions; 20 CSR 500-7.020; 3/3/08, 8/15/08
- special circumstances for policy delay; 20 CSR 500-7.090; 3/3/08, 8/15/08
- standards for policy issuance; 20 CSR 500-7.200; 3/3/08, 8/15/08

INTERPRETERS, MISSOURI STATE COMMITTEE OF

- application for licensure; 20 CSR 2232-2.010; 7/1/08
- application for temporary license; 20 CSR 2232-2.020; 7/1/08
- consumer welfare; 20 CSR 2232-3.020; 7/1/08
- name and address change and license renewal; 20 CSR 2232-2.030; 7/1/08
- policy for release of public records; 20 CSR 2232-1.020; 7/1/08

LABOR AND INDUSTRIAL RELATIONS

employment security

- unemployment automation surcharge; 8 CSR 10-4.200; 9/2/08

MARITAL AND FAMILY THERAPISTS, STATE COMMITTEE OF

ethical standards

general principles; 20 CSR 2233-3.010; 8/1/08
policy for release of public records; 20 CSR 2233-1.020; 8/1/08

MEDICAL SERVICES, DIVISION OF

grant to trauma hospital; 13 CSR 70-15.180; 7/16/07
reimbursement

HIV services; 13 CSR 70-10.080; 10/15/07
nursing services; 13 CSR 70-10.015; 10/15/07

Title XIX

claims, false or fraudulent; 13 CSR 70-3.030; 5/1/07

MENTAL HEALTH, DEPARTMENT OF

intermediate care facility for the mentally retarded federal reimbursement allowance; 9 CSR 10-31.030; 8/1/08

MO HEALTHNET

emergency ambulance program; 13 CSR 70-6.010; 9/2/08
filing of claims, MO HealthNet program; 13 CSR 70-3.100; 9/2/08
health insurance premium payment (HIPP); 13 CSR 70-97.010; 3/3/08, 7/1/08

hearing aid program; 13 CSR 70-45.010; 4/15/08

hospital program

federal reimbursement allowance (FRA); 13 CSR 70-15.110; 8/1/08
inpatient hospital services reimbursement plan; outpatient hospital reimbursement methodology; 13 CSR 70-15.010; 8/1/08
procedures for admission certification, continued stay review, and validation of hospital admissions; 13 CSR 70-15.020; 3/3/08, 7/1/08

insure Missouri; 13 CSR 70-4.120; 2/15/08
medicaid managed care organization reimbursement allowance; 13 CSR 70-3.170; 4/15/08, 8/1/08, 8/1/08

nonemergency medical transportation (NEMT); 13 CSR 70-5.010; 3/3/08, 7/1/08
nursing home program

global per diem adjustments to nursing facility and HIV nursing facility reimbursement rates; 13 CSR 70-10.016; 8/1/08
prospective reimbursement plan for HIV nursing facility services; 13 CSR 70-10.080; 8/1/08
prospective reimbursement plan for nonstate-operated facilities for ICF/MR services; 13 CSR 70-10.030; 8/1/08
prospective reimbursement plan for nursing facility services; 13 CSR 70-10.015; 8/1/08

podiatric services program; 13 CSR 70-30.010; 7/1/08

program benefits for federally qualified health center services; 13 CSR 70-26.010; 7/1/08

psychiatric/psychology/counseling/clinical social work program documentation; 13 CSR 70-98.015; 7/1/08

state children's health insurance program; 13 CSR 70-4.080; 3/3/08, 7/1/08, 7/1/08

telehealth services; 13 CSR 70-3.190; 2/1/08, 7/1/08

timely payment of MO HealthNet Claims; 13 CSR 70-3.105; 9/2/08

NURSING HOME ADMINISTRATORS, BOARD OF

disciplinary action; 19 CSR 73-2.090; 2/1/08, 7/1/08

examination; 19 CSR 73-2.070; 2/1/08, 7/1/08

fees; 19 CSR 73-2.015; 2/1/08, 7/1/08

licensure

duplicate; 19 CSR 73-2.120; 2/1/08, 7/1/08
emergency, temporary; 19 CSR 73-2.080; 2/1/08, 7/1/08
inactive status; 19 CSR 73-2.053; 2/1/08, 7/1/08
procedures and requirements of NHAs; 19 CSR 73-2.020; 2/1/08, 7/1/08
reciprocity; 19 CSR 73-2.025; 2/1/08, 7/1/08
renewal; 19 CSR 73-2.050; 2/1/08, 7/1/08
expired license; 19 CSR 73-2.055; 2/1/08, 7/1/08
retired status; 19 CSR 73-2.051; 2/1/08, 7/1/08

prescribed course of instruction and training; 19 CSR 73-2.031; 2/1/08, 7/1/08

public complaints; 19 CSR 73-2.085; 2/1/08, 7/1/08

registration

training agencies and single offering providers; 19 CSR 73-2.060; 2/1/08, 7/1/08

NURSING, STATE BOARD OF

advanced practice nurse; 20 CSR 2200-4.100; 8/1/08

collaborative practice; 20 CSR 2200-4.200; 8/1/08

fees; 20 CSR 2200-4.010; 4/1/08, 7/1/08, 8/1/08

intravenous infusion treatment administration

definitions; 20 CSR 2200-6.020; 8/1/08

requirements for intravenous therapy administration certification; 20 CSR 2200-6.060; 8/1/08

mandatory reporting rule; 20 CSR 2200-4.040; 7/1/08

MNIT

administrator; 20 CSR 2200-4.029; 3/17/08, 7/1/08

board of directors/contractor duties; 20 CSR 2200-4.027; 3/17/08, 7/1/08

confidentiality; 20 CSR 2200-4.028; 3/17/08, 7/1/08

definitions; 20 CSR 2200-4.025; 3/17/08, 7/1/08

membership and organization; 20 CSR 2200-4.026; 3/17/08, 7/1/08

professional nursing

fees; 20 CSR 2200-4.010; 10/1/07, 1/16/08, 4/1/08, 7/1/08

public complaint handling and disposition procedure; 20 CSR 2200-4.030; 7/1/08

requirements for licensure; 20 CSR 2200-4.020; 4/1/08, 7/1/08, 8/1/08

OCCUPATIONAL THERAPY, MISSOURI BOARD OF

continuing competency requirements; 20 CSR 2205-5.010; 8/15/08

definitions; 20 CSR 2205-1.010; 7/15/08

fees; 20 CSR 2205-1.050; 8/15/08

OPTOMETRY, STATE BOARD OF

certification of optometrists to use pharmaceutical agents; 20 CSR 2210-2.080; 6/2/08

licensure by endorsement; 20 CSR 2210-2.011; 6/16/08

PHARMACY, STATE BOARD OF

administration by medical prescription order; 20 CSR 2220-6.040; 6/2/08

drug distributor

definitions and standards for drug wholesale and pharmacy distributors; 20 CSR 2220-5.030; 3/17/08, 7/15/08
standards for operation for medical gas distributors; 20 CSR 2220-5.070; 3/17/08, 7/15/08

educational and licensing requirements; 20 CSR 2220-2.030; 3/17/08, 7/15/08

fingerprint requirements; 20 CSR 2220-2.450; 3/17/08, 7/15/08

general fees; 20 CSR 2220-4.010; 3/17/08, 7/1/08

pharmacy standards of operation; 20 CSR 2220-2.010; 3/17/08, 7/15/08

temporary license; 20 CSR 2220-2.036; 3/17/08, 7/15/08

transfer of prescription information for the purpose of refill; 20 CSR 2220-2.120; 3/17/08, 7/15/08

return and reuse of drugs and devices; 20 CSR 2220-3.040; 3/17/08, 7/15/08

sterile pharmaceuticals; 20 CSR 2220-2.200; 3/17/08, 7/15/08

PEACE OFFICER STANDARDS AND TRAINING PROGRAM

basic training centers

basic training instructor licenses; 11 CSR 75-14.070; 8/1/08
certification of basic training courses; 11 CSR 75-14.040; 8/1/08

eligibility for entrance into a basic training course; 11 CSR 75-14.060; 8/1/08

minimum requirements for a basic training instructor; 11 CSR 75-14.080; 8/1/08

minimum requirements for basic training centers; 11 CSR 75-14.020; 8/1/08

minimum standards for a certified basic training course; 11 CSR 75-14.050; 8/1/08

procedure to obtain a basic training center license; 11 CSR 75-14.010; 8/1/08

standard basic training curricula and objectives; 11 CSR 75-14.030; 8/1/08

continuing education

- computer-based continuing education training; 11 CSR 75-15.070; 8/1/08
- continuing education requirements; 11 CSR 75-15.010; 8/1/08
- in-service continuing education training; 11 CSR 75-15.060; 8/1/08
- minimum standards for continuing education training; 11 CSR 75-15.020; 8/1/08
- out-of-state, federal, and organizations continuing education; 11 CSR 75-15.050; 8/1/08
- procedure to obtain a continuing education provider license; 11 CSR 75-15.030; 8/1/08
- procedure to obtain approval for an individual CLEE course; 11 CSR 75-15.040; 8/1/08

definitions; 11 CSR 75-2.010; 8/1/08

general organization; 11 CSR 75-1.010; 8/1/08

peace officer licenses

- adjustment of peace officer license classification; 11 CSR 75-13.080; 8/1/08
- cause to discipline peace officer license; 11 CSR 75-13.090; 8/1/08
- classification of peace officer license; 11 CSR 75-13.010; 8/1/08
- Missouri peace officer license exam; 11 CSR 75-13.050; 8/1/08
- notification of change in commission status; 11 CSR 75-13.100; 8/1/08
- procedure to obtain new peace officer license; 11 CSR 75-13.020; 8/1/08
- procedure to upgrade peace officer license classification; 11 CSR 75-13.030; 8/1/08
- recognition of federal, military, and out-of-state basic training; 11 CSR 75-13.070; 8/1/08
- relicensing of expired peace officer licenses; 11 CSR 75-13.040; 8/1/08
- veteran peace officer point scale; 11 CSR 75-13.060; 8/1/08

peace officer standards and training commission funds; 11 CSR 75-16.010; 8/1/08

PODIATRIC MEDICINE, STATE BOARD OF

definitions; 20 CSR 2230-1.030; 8/15/08

POLICE COMMISSIONERS, BOARDS OF

St. Louis

- private security officers
 - authority; 17 CSR 20-2.065; 6/16/08
 - complaint/disciplinary procedures; 17 CSR 20-2.125; 6/16/08
- definitions; 17 CSR 20-2.025; 6/16/08
- drug testing; 17 CSR 20-2.135; 6/16/08
- duties; 17 CSR 20-2.075; 6/16/08
- licensing; 17 CSR 20-2.035; 6/16/08
- uniforms; 17 CSR 20-2.085; 6/16/08
- weapons; 17 CSR 20-2.105; 6/16/08

PROBATION AND PAROLE, STATE BOARD OF

definitions for intervention fee; 14 CSR 80-5.010; 9/2/08

intervention fee procedure; 14 CSR 80-5.020; 9/2/08

PSYCHOLOGISTS, STATE COMMITTEE OF

application for provisional licensure; 20 CSR 2235-1.025; 8/15/08

application for temporary licensure; 20 CSR 2235-1.026; 8/15/08

continuing education

- categories of continuing education; 20 CSR 2235-7.030; 8/15/08
- continuing education; 20 CSR 2235-7.010; 8/15/08
- continuing education reports; 20 CSR 2235-7.020; 8/15/08
- definitions; 20 CSR 2235-7.005; 8/15/08

health service provider certification; 20 CSR 2235-3.020; 8/15/08

licensure requirements

- educational requirements, section 337.025, RSMo; 20 CSR 2235-2.005; 8/15/08
- post master's degree supervised professional experience, section 337.021, RSMo; 20 CSR 2235-2.030; 8/15/08
- supervised professional experience, section 337.025, RSMo; 20 CSR 2235-2.050; 8/15/08

PUBLIC SERVICE COMMISSION

electric utilities

- net metering; 4 CSR 240-20.065; 8/1/08

Missouri universal service fund; 4 CSR 240-31.010; 9/2/08

safety standards for electrical corporations, telecommunications companies, and rural electric cooperatives; 4 CSR 240-18.010; 6/16/08

telecommunication carriers

- customer proprietary network information; 4 CSR 240-33.160; 3/3/08, 8/1/08

REAL ESTATE APPRAISERS

applications for certification and licensure; 20 CSR 2245-3.010; 5/1/08, 8/15/08

case study courses; 20 CSR 2245-6.040; 5/1/08, 8/15/08

continuing education

- instructor approval; 20 CSR 2245-8.030; 5/1/08, 8/15/08
- requirements; 20 CSR 2245-8.010; 5/1/08, 8/15/08

trainee real estate appraiser registration; 20 CSR 2245-3.005; 8/1/08

RESPIRATORY CARE, MISSOURI BOARD FOR

reinstatement; 20 CSR 2255-2.060; 7/15/08

RETIREMENT SYSTEMS

LAGERS

- definitions; 16 CSR 20-2.010; 4/1/08, 7/15/08

- determination of certain allowances; 16 CSR 20-2.015; 4/1/08, 7/15/08

SECURITIES, DIVISION OF

dishonest or unethical business practice

- broker-dealers; 15 CSR 30-51.170; 5/1/08

- investment advisers and investment adviser representatives; 15 CSR 30-51.172; 5/1/08

SOIL AND WATER DISTRICTS COMMISSION

cost-share rates and reimbursement procedures; 10 CSR 70-5.040; 7/15/08

SALT cost-share rates and reimbursement procedures; 10 CSR 70-8.040; 7/15/08

SOCIAL SERVICES, DEPARTMENT OF

children's division

- basic residential child care core requirements (applicable to all agencies)-basics for licensure and licensing procedures; 13 CSR 35-71.020; 9/2/08

- building, grounds, and equipment; 13 CSR 35-71.080; 9/2/08

- child care program; 13 CSR 35-71.110; 9/2/08

- court review and dispositional hearing; 13 CSR 35-71.035; 9/2/08

- definitions; 13 CSR 35-71.010; 9/2/08

- exemption of religious child care facilities; 13 CSR 35-71.025; 9/2/08

- health care; 13 CSR 35-71.075; 9/2/08

- hearings and judicial review; 13 CSR 35-71.030; 9/2/08

- organization and administration; 13 CSR 35-71.040; 9/2/08

- personnel; 13 CSR 35-71.045; 9/2/08

- protection and care of the child; 13 CSR 35-71.070; 9/2/08

- record keeping; 13 CSR 35-71.090; 9/2/08

- social services program; 13 CSR 35-71.060; 9/2/08

specific rules for basic care agencies providing toddler or preschool age children (birth through age six); 13 CSR 35-71.100; 9/2/08
specific rules for residential care agencies providing maternity care; 13 CSR 35-71.120; 9/2/08
specialized standards for intensive residential treatment; 13 CSR 35-71.140; 9/2/08
specialized standards-residential treatment; 13 CSR 35-71.130; 9/2/08
staff qualifications and requirements; 13 CSR 35-71.050; 9/2/08

family services

basic residential child care core requirements (applicable to all agencies)-basics for licensure and licensing procedures; 13 CSR 40-71.020; 9/2/08
building, grounds, and equipment; 13 CSR 40-71.080; 9/2/08
child care program; 13 CSR 40-71.110; 9/2/08
court review and dispositional hearing; 13 CSR 40-71.035; 9/2/08
definitions; 13 CSR 40-71.010; 9/2/08
exemption of religious child care facilities; 13 CSR 40-71.025; 9/2/08
health care; 13 CSR 40-71.075; 9/2/08
hearings and judicial review; 13 CSR 40-71.030; 9/2/08
organization and administration; 13 CSR 40-71.040; 9/2/08
personnel; 13 CSR 40-71.045; 9/2/08
protection and care of the child; 13 CSR 40-71.070; 9/2/08
record keeping; 13 CSR 40-71.090; 9/2/08
social services program; 13 CSR 40-71.060; 9/2/08
specific rules for basic care agencies providing toddler or preschool age children (birth through age six); 13 CSR 40-71.100; 9/2/08
specific rules for residential care agencies providing maternity care; 13 CSR 40-71.120; 9/2/08
specialized standards for intensive residential treatment; 13 CSR 40-71.140; 9/2/08
specialized standards-residential treatment; 13 CSR 40-71.130; 9/2/08
staff qualifications and requirements; 13 CSR 40-71.050; 9/2/08

minimum standards

practice techniques; 20 CSR 2270-4.031; 5/1/08, 8/15/08
medical records; 20 CSR 2270-4.041; 5/1/08, 8/15/08
minimum standards for continuing education for veterinary technicians; 20 CSR 2270-4.050; 8/15/08
registration requirements for veterinary technicians reciprocity; 20 CSR 2270-3.030; 8/1/08
veterinary facilities permits
temporary continuance of veterinary practice upon death of owner; 20 CSR 2270-5.041; 8/1/08
veterinary facility self-inspection procedures; 20 CSR 2270-5.021; 8/1/08

THERAPEUTIC MASSAGE, BOARD OF

application for licensure; 20 CSR 2197-2.010; 8/15/08
definitions; 20 CSR 2197-1.010; 8/1/08
massage therapy business license renewal; 20 CSR 2197-5.040; 8/1/08

TATTOOING, BODY PIERCING AND BRANDING, OFFICE OF

cleaning and sterilization; 20 CSR 2267-5.030; 7/15/08
establishment-change of name, ownership, or location; 20 CSR 2267-1.030; 7/15/08
fees; 20 CSR 2267-2.020; 6/16/08, 9/2/08
license renewal; 20 CSR 2267-2.030; 7/15/08
licenses; 20 CSR 2267-2.010; 5/15/08
standards of practice; 20 CSR 2267-5.010; 7/15/08

TAX, INCOME

addition modification for income tax; 12 CSR 10-2.740; 7/15/08

VETERINARY MEDICAL BOARD, MISSOURI

general rules

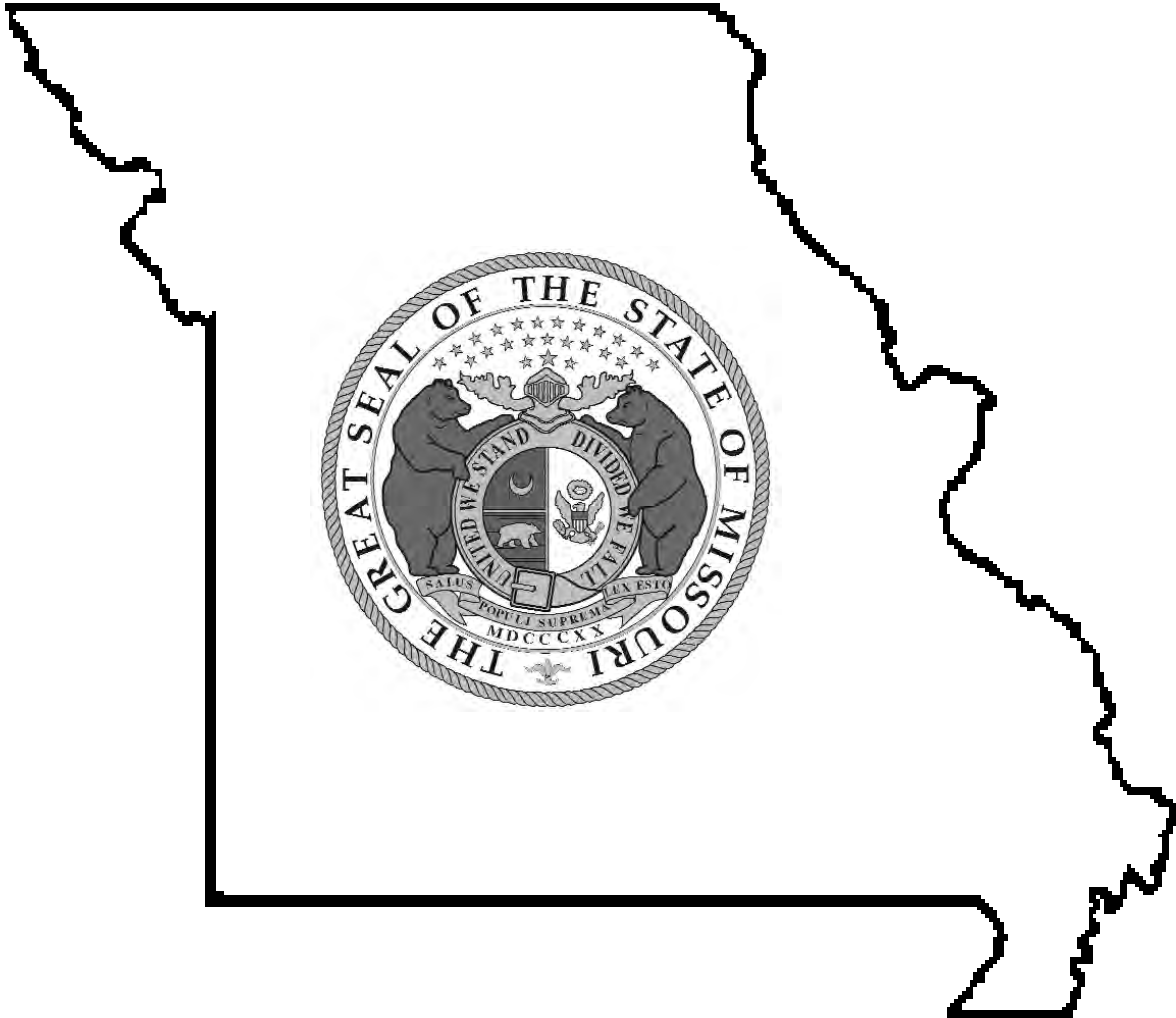
name and address changes; 20 CSR 2270-1.040; 8/1/08
public records; 20 CSR 2270-1.060; 8/1/08
renewal procedures; 20 CSR 2270-1.050; 8/1/08

licensure requirements for veterinarians

internship or veterinary candidacy program; 20 CSR 2270-2.021; 8/15/08
licensure (exemption); 20 CSR 2270-2.051; 8/1/08
reciprocity; 20 CSR 2270-2.060; 8/1/08

RULEMAKING 1-2-3

DRAFTING AND STYLE MANUAL



ROBIN CARNAHAN
SECRETARY OF STATE

The Administrative Rules Division has copies of the Rulemaking Manual available for state agencies to assist in preparing all types of rulemakings.

For information about rule drafting classes call (573) 751-4015.

To Subscribe to the *Missouri Register*

SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the
supreme law."*



ROBIN CARNAHAN

SECRETARY OF STATE

MISSOURI
REGISTER

Contact us at: phone: (573) 751-4015 or email: rules@sos.mo.gov

ORDER FORM

- ☐ Enclosed is my check for \$56 as payment in advance for one year of the *Missouri Register*

Please start my subscription with the _____ issue.

Please make checks payable to: **Secretary of State** or alternatively call us to charge your credit card.

Mail to: ROBIN CARNAHAN
SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION
PO Box 1767
JEFFERSON CITY, MO 65102

Name or Firm (Please Type or Print)

Attn:

Address

City

State

Zip Code

AMENDMENT PURPOSE

When preparing a proposed amendment for publication, please do not forget to include an amendment *PURPOSE*. This is a statement giving the reasons for amending the rule. The amendment *PURPOSE* is limited to explaining the reason for the changes being made and is different from the original *PURPOSE* of the rule that is found in *Code*.

The original rule *PURPOSE* should not be included with an amended rule unless changes are being made to the purpose statement. If the original rule *PURPOSE* does need to be changed, like any part of the text of the rule, a rule purpose may be amended by bolding and bracketing the text being changed.

Additionally, when doing an amended rule, after the title of the rule you should write a statement which states what sections, subsections, or paragraphs of the rule are being amended.

See page 2.02B of *Rulemaking 1-2-3 Drafting and Style Manual* for further information.

As always, if you have any questions concerning how to prepare a proposed amendment, or any rulemaking, please contact the Administrative Rules Division of the Office of the Secretary of State at (573)751-4015 or rules@sos.mo.gov.

Office of the Secretary of State

ROBIN CARNAHAN

9/2/08

ROBIN CARNAHAN

SECRETARY OF STATE

PO Box 1767

JEFFERSON CITY, MO 65102

Periodical
Postage Paid at
Jefferson City,
MO